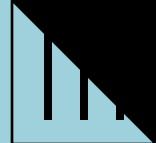




**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
January 14, 2004**



Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

**1. ROLL CALL**

**2. OLD BUSINESS**

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of November 2003. (Page 525)

**3. NEW BUSINESS**

- A A Resolution Of The Chairman And The Members Of The Redevelopment Agency Of The City Of Miami Beach, Florida, Authorizing The Chairman And Secretary To Execute An Interlocal Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA), Miami-Dade County, Florida, And The Children's Trust, Miami-Dade County, An Independent Special Taxing District, For The Purpose Of Establishing The Use Of Tax Increment Revenues To Be Derived From The Imposition Of A Not To Exceed One-Half (1/2) Mill Tax Levy By The Trust Against Real Property Located Within The South Pointe Redevelopment Area And The City Center/Historic Convention Village Redevelopment And Revitalization Area, Respectfully (The "Trust Revenues").  
**Joint City Commission And Redevelopment Agency** (Page 559)
- B A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Ratifying The Execution Of A Guaranteed Maximum Price Contract With RIC-Man International, Inc., As The Lowest And Best Bidder Pursuant To Invitation To Bid No. 22-02/03, For Design Build Services To Design And Construct The Washington Avenue Improvements – Phases 2, 4, And 5 (The Project), In An Amount Not To Exceed \$12,104,429; And Appropriating \$2,168,274.08 From City Center Redevelopment Area Tax Increment Funds And \$686,211.17 From South Pointe Redevelopment Area Tax Increment Funds, To Be Used For The Construction Costs, Project Contingency Relating To Owner Requested Changes, And CIP Office Project Management Fees. (Page 570)

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying The Award Of A Contract To The Firm Of Widell, Inc., In The Amount Of \$17,352,615, For Completion Of The Water And Waste Water Pump Station Upgrades Project (Bid No. 99-97/98), Pursuant To The Action(s) Delegated To The City Manager And/Or His Designee Pursuant To Resolution No. 2002-24924; And Appropriating Funds, In The Amount Of \$1,218,956.71, As Follows, To Fully Fund The Project Construction Cost; Additional Services For Construction Administration And Field Oversight Services To Camp, Dresser & McKee (CDM); Project Contingency; And Project Management Fees: \$1,173,063.00 From City Center Redevelopment Area Tax Increment Funds, And \$15,893.71 From South Pointe Redevelopment Area Tax Increment Funds, Respectively.  
(Page 585)

**End of RDA Agenda**



---

---

## HOW A PERSON MAY APPEAR BEFORE THE REDEVELOPMENT AGENCY OF THE CITY OF MIAMI BEACH, FLORIDA

The regularly scheduled meetings of the Redevelopment Agency are established by Resolution and are generally held on the same day the Miami Beach City Commission holds their regularly scheduled meetings. The Redevelopment Agency meetings commence at 10:00 a.m.

1. Jorge M. Gonzalez has been designated as the Agency's Executive Director.  
Robert Parcher has been designated as the Agency's Secretary.
2. Person requesting placement of an item on the agenda must provide a written statement to the Agency Executive Director, 4th Floor, City Hall, 1700 Convention Center Drive, telephone 673-7285, outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment will be set up to discuss the matter with a member of the Executive Director's staff. Procedurally, "Request for Agenda Consideration" will not be placed upon the Agency agenda until after Administrative staff review. Such review will ensure that the issue has been addressed in sufficient detail so that the Agency members may be fully apprised of the matter to be presented. Persons will be allowed three (3) minutes to make their presentation and will be limited to those subjects included in their written request. Such written requests must be received in the Executive Director's office no later than noon on Tuesday of the week prior to the scheduled Agency meeting to allow time for processing and inclusion in the agenda package.
3. Once an agenda for the Redevelopment Agency meeting is published, and a person wishes to speak on items listed on the agenda, he/she may call or come to the Agency Secretary's Office, 1st floor, City Hall, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m., on the Tuesday prior to the Agency meeting and give their name, the agenda item to be discussed and, where known, the agenda item number.

Copies of the Agency agenda may be reviewed at the Agency's Secretary Office (City Clerk's Office) on the Monday prior to the Agency's regular meeting.

The complete agenda, with all backup material, is available for inspection on the Monday prior to the Agency meeting at the Agency Secretary office (City Clerk's Office).

4. All persons who have been listed by the Agency Secretary to speak on the agenda item in which they are specifically interested, will be allowed up to three (3) minutes to present their views.

Robert Parcher  
Agency Secretary

March 7, 2001

**CITY OF MIAMI BEACH**

**2004 CITY COMMISSION AND  
REDEVELOPMENT AGENCY MEETINGS**

January 14 (Wednesday)

February 4 (Wednesday)

February 25 (Wednesday)

March 17 (Wednesday)

April 14 (Wednesday)

May 5 (Wednesday)

May 26 (Wednesday)

June 9 (Wednesday)

July 7 (Wednesday)

July 28 (Wednesday)

**August City Commission in Recess – NO MEETINGS**

September 8 (Wednesday)

October 13 (Wednesday)

November 10 (Wednesday)

December 8 (Wednesday)

**REPORT OF THE ITEMIZED  
REVENUES AND EXPENDITURES  
  
OF THE  
  
MIAMI BEACH REDEVELOPMENT  
AGENCY  
  
FOR THE MONTH OF  
NOVEMBER 2003**

Agenda Item 2A  
Date 1-14-04

# MIAMI BEACH REDEVELOPMENT AGENCY

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## REDEVELOPMENT AGENCY MEMORANDUM

**To:** Chairman and Members of  
the Miami Beach Redevelopment Agency

**Date:** January 14, 2004

**From:** Jorge M. Gonzalez  
Executive Director

**Subject: REPORT OF THE ITEMIZED REVENUES AND EXPENDITURES OF THE  
MIAMI BEACH REDEVELOPMENT AGENCY FOR THE TWO MONTHS  
ENDED NOVEMBER 30, 2003**

On July 15, 1998 the Chairman and Members of the Board of the Miami Beach Redevelopment Agency resolved that an itemized report of the revenues and expenditures of the Miami Beach Redevelopment Agency, with respect to each redevelopment area, would be made available to the Chairman and Members of the Board of the Miami Beach Redevelopment Agency at the end of each month. Further, it was resolved that such report would be made available no later than five days prior to the second regularly scheduled Redevelopment Agency meeting in the month immediately following the month for which such report is prepared and that the report would be placed on the Redevelopment Agency Agenda for the second meeting of each month as a discussion item. Because the distribution date for the second Commission meeting of some months falls prior to our receipt of bank statements for the month, we advised on October 21, 1998, that beginning with the report for the month ending October 31, 1998 all monthly Redevelopment Agency reports would henceforth be included as part of the agenda for the first Commission meeting of each month.

The attached material includes the following:

### **Section A - South Pointe Redevelopment District**

- Summary of Cash Basis Transactions by Project and by Expenditure Type for the Fiscal Years Ended September 30, 1988 through 2003 and the Two Months Ended November 30, 2003
- Check and Wire Transfer Register sorted by Project and Type of Expenditure for the Two Months Ended November 30, 2003
- Narrative of Major Projects Planned and/or Underway

### **Section B - City Center Redevelopment District**

- Summary of Cash Basis Transactions by Project and by Expenditure Type for the Fiscal Years Ended September 30, 1988 through 2003 and the Two Months Ended November 30, 2003

- Check and Wire Transfer Register sorted by Project and Type of Expenditure for the Two Months Ended November 30, 2003
- Narrative of Major Projects Planned and/or Underway

JMG:PDW:MIM:jan

for



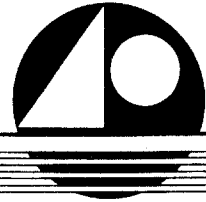
**SOUTH POINTE**

**REDEVELOPMENT DISTRICT**

**FINANCIAL INFORMATION**

**FOR THE MONTH ENDED**

**NOVEMBER 30, 2003**



**January 14, 2004**

**TO: Jorge M. Gonzalez, Executive Director**

**FROM: Patricia D. Walker, Chief Financial Officer**  
**City of Miami Beach**

**SUBJECT: South Pointe Redevelopment District Financial Information**  
**For the Two Months Ended November 30, 2003**

At the July 15, 1998 Commission/Redevelopment Agency meeting a request was made for monthly financial information for the South Pointe Redevelopment District. The information has been compiled and is attached.

**Historical Cash Basis Financial Information**

The summary report included in the attached material, reflects that during the period from October 1, 1987 through November 30, 2003 approximately \$85,347,000 of revenues were received in the South Pointe District of the Redevelopment Agency ("RDA").

The primary sources of these revenues included approximately:

\$ 65,741,000 - Incremental Ad Valorem tax;  
\$ 6,860,000 - Bond proceeds;  
\$ 5,188,000 - Land sale;  
\$ 2,821,000 - Rental income;  
\$ 2,676,000 - Interest income;  
\$ 1,000,000 - Loan from the City of Miami Beach;  
\$ 350,000 - State Grant; and  
\$ 711,000 - From various sources.

The opening cash balance for October 1, 1987 was approximately \$1,042,000; therefore, the total amount of funds available for the period was \$86,389,000.

On the expenditure side, approximately \$62,571,000 has been expended from October 1, 1987 through November 30, 2003.

These approximate expenditures were primarily made in the following areas:

- \$ 15,608,000 - Cobb/Courts Project;
- \$ 12,350,000 - Debt Service Payments;
- \$ 6,881,000 - Portofino Project;
- \$ 8,522,000 - South Pointe Streetscape/Park
- \$ 5,574,000 - Marina Project;
- \$ 5,153,000 - Administrative Costs;
- \$ 6,307,000 - SSDI Project
- \$ 1,045,000 - Carner-Mason Settlement and Other Reimbursements, and
- \$ 1,131,000 - Other Project Costs.

The cash balance as of November 30, 2003 is approximately \$23,818,000. This balance consisted of the following amounts:

- \$ 22,303,000 – Cash and Investment balance,
- \$ 71,000 – 1989 Bonds Sinking Fund Interest Account,
- \$ 705,000 – 1989 Bonds Sinking Debt Service Reserve Account,
- \$ 739,000 – 1989 Bonds Sinking Fund Principal Account.

JMG:PDW:MIM:jar

A handwritten signature in black ink, appearing to be 'JAR', is written over the typed name 'jar' in the distribution line.

**SUMMARY OF**  
**CASH BASIS TRANSACTIONS**  
**FOR THE MONTH ENDED**  
**NOVEMBER 30, 2003**

**Redevelopment Agency - South Pointe District**  
**Summary of Cash Basis Transactions by Project**  
**Fiscal Years 1988 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
<b>OPENING CASH/INVSTMT BALANCE</b>	\$ 1,041,730	\$ 24,468,150	
<b>REVENUE</b>			
- Tax increment - City	35,587,488	-	\$ 35,587,488
- Tax increment - County	30,126,612	-	30,126,612
- Tax increment (Interest) - County	26,627	-	26,627
- Bond proceeds	6,860,000	-	6,860,000
- Cobb Partners - Closing Parcel 1, 2	5,187,944	-	5,187,944
- Marina rental income	2,812,907	8,000	2,820,907
- Interest income	2,668,675	7,600	2,676,275
- Loan from City	1,000,000	-	1,000,000
- Grants (Fla. Inland Navig.; shoreline restore.)	350,000	-	350,000
- St. sales tax (receipt - income for pmt. to St)	174,653	1,400	176,053
- Daughters of Israel contrib.-reloc. Mikvah	28,000	-	28,000
- Consulting fee refund-Rahn S. Beach	27,026	-	27,026
- Olympus Hldg.-reimb. Portofino advertsg.	24,405	-	24,405
- Mendelson environ. reimb./refund	10,000	-	10,000
- Regosa Engineering refund - Marina	8,500	-	8,500
- Portofino DRI Payment from Greenberg T.	18,056	-	18,056
- Payment received from Greenberg T. for CMB	23,500	-	23,500
- Payment received from Olympus Holdings, Inc.	96,276	-	96,276
- Payment received from Marquesa, Inc.	2,000	-	2,000
- Cost of asbestos remediation reimb.-Cobb	5,800	-	5,800
- Miscellaneous income	4,719	-	4,719
- Galbut & Galbut contrib.-reloc. Mikvah	3,500	-	3,500
- Murano Two, Ltd-Cash Bond per Agreement	242,000	-	242,000
- Other (void ck; IRS refund; Am. Bonding)	41,666	35	41,701
Total Revenues	85,330,354	17,035	\$ 85,347,389

**EXPENDITURES**

**PROJECTS**

Cobb/Courts	(15,608,223)	-	(15,608,223)
Marina	(5,573,542)	-	(5,573,542)
Portofino	(6,808,294)	(72,552)	(6,880,846)
South Pointe Streetscape	(8,325,661)	(196,576)	(8,522,237)

**Redevelopment Agency - South Pointe District**  
**Summary of Cash Basis Transactions by Project**  
**Fiscal Years 1988 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
SSDI	(5,954,550)	(352,405)	(6,306,955)
Fifth St. Beautification	(300,000)	-	(300,000)
Beach Colony (l'scape/stscape/site imprvmt)	(80,912)	-	(80,912)
Marriott	(53,061)	-	(53,061)
Washington Ave.	(468,669)	-	(468,669)
Design guidelines	(43,708)	-	(43,708)
MBTMA/Mobility	(32,225)	-	(32,225)
S. Pointe Zoning	(20,819)	-	(20,819)
Alaska Baywalk	(38,876)	(5,976)	(44,852)
Victory/Community Gardens	(27,083)	(3,421)	(30,504)
Miscellaneous	(56,159)	-	(56,159)
<b>Total Projects</b>	<b>(43,391,782)</b>	<b>(630,930)</b>	<b>(44,022,712)</b>
<b><u>ADMINISTRATIVE</u></b>	<b>(5,117,012)</b>	<b>(36,539)</b>	<b>(5,153,551)</b>
<b><u>Debt Service/Loan Repayment</u></b>	<b>(12,350,407)</b>	<b>-</b>	<b>(12,350,407)</b>
<b><u>Miscellaneous</u></b>			
Carner Mason settlement	(946,163)	-	(946,163)
City of Miami Beach (reimburse water main)	(74,067)	-	(74,067)
Miscellaneous	(24,503)	-	(24,503)
	<b>(1,044,733)</b>	<b>-</b>	<b>(1,044,733)</b>
<b>Total expenditures</b>	<b>(61,903,934)</b>	<b>(667,469)</b>	<b>\$ (62,571,403)</b>
<b>ENDING CASH/INVSTMT. BALANCE</b>	<b>\$ 24,468,150</b>	<b>\$ 23,817,716</b>	

**Redevelopment Agency - South Pointe District**  
**Summary of Cash Basis Transactions by Expenditure Type**  
**Fiscal Years 1988 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
<b>OPENING CASH/INVSTMT BALANCE</b>	\$ 1,041,730	\$ 24,468,150	
<b>REVENUE</b>			
- Tax increment - City	35,587,488	-	\$ 35,587,488
- Tax increment - County	30,126,612	-	30,126,612
- Tax increment (Interest) - County	26,627	-	26,627
- Bond proceeds	6,860,000	-	6,860,000
- Cobb Partners - Closing Parcel 1, 2	5,187,944	-	5,187,944
- Marina rental income	2,812,907	8,000	2,820,907
- Interest income	2,668,675	7,600	2,676,275
- Loan from City	1,000,000	-	1,000,000
- Grants (Fla. Inland Navig.; shoreline restore.)	350,000	-	350,000
- St. sales tax (receipt - income for pmt. to St)	174,653	1,400	176,053
- Daughters of Israel contrib.-reloc. Mikvah	28,000	-	28,000
- Consulting fee refund-Rahn S. Beach	27,026	-	27,026
- Olympus Hldg.-reimb. Portofino advertsg.	24,405	-	24,405
- Mendelson environ. reimb./refund	10,000	-	10,000
- Regosa Engineering refund - Marina	8,500	-	8,500
- Portofino DRI Payment from Greenberg T.	18,056	-	18,056
- Payment received from Greenberg T. for CMB	23,500	-	23,500
- Payment received from Olympus Holdings, Inc.	96,276	-	96,276
- Payment received from Marquesa, Inc.	2,000	-	2,000
- Cost of asbestos remediation reimb.-Cobb	5,800	-	5,800
- Miscellaneous income	4,719	-	4,719
- Galbut & Galbut contrib.-reloc. Mikvah	3,500	-	3,500
- Murano Two, Ltd-Cash Bond per Agreement	242,000	-	242,000
- Other (void ck; IRS refund; Am. Bonding)	41,666	35	41,701
Total Revenues	85,330,354	17,035	\$ 85,347,389
<b>Expenditures</b>			
Land acquisition	(9,444,065)	-	\$ (9,444,065)
Legal fees/costs	(6,724,780)	(84,758)	(6,809,538)
Professional services	(3,732,276)	(145,120)	(3,877,396)
Construction	(13,636,259)	(352,405)	(13,988,664)
Utilities relocation	(1,873,213)	-	(1,873,213)
Environmental	(397,344)	-	(397,344)

**Redevelopment Agency - South Pointe District**  
**Summary of Cash Basis Transactions by Expenditure Type**  
**Fiscal Years 1988 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
Submerged land lease	(1,719,239)	-	(1,719,239)
Lease agreements	(2,433,437)	-	(2,433,437)
Miscellaneous	(2,148,965)	-	(2,148,965)
Property Taxes	(226,942)	(48,647)	(275,589)
Administration	(5,117,012)	(36,539)	(5,153,551)
Debt Service/loan repayment	(12,350,407)	-	(12,350,407)
Miscellaneous Project Costs	(2,099,995)	-	(2,099,995)
	<u>(61,903,934)</u>	<u>(667,469)</u>	<u>\$ (62,571,403)</u>
<b>ENDING CASH/INVSTMT. BALANCE</b>	<u>\$ 24,468,150</u>	<u>\$ 23,817,716</u>	



**CHECK & WIRE TRANSFER  
REGISTER**

**SORTED BY**

**PROJECT & TYPE OF  
EXPENDITURE**

**FOR THE MONTH ENDED  
NOVEMBER 30, 2003**

**Redevelopment Agency - South Pointe District**  
**Check & Wire Transfer Register by Project & Type of Expense**  
**Fiscal Year 2004 (through November 30, 2003)**

Check #	Date	Payee	Amount	Type of Expense	Project or N/A
6104	10/16/03	Anna Parekh	91.65	Miscellaneous (Telephone)	Administration
6116	10/27/03	International Council Of Shopping Centers	135.00	Registration Fee	Administration
6125	11/12/03	International Council Of Shopping Centers	260.00	Registration Fee	Administration
6132	11/21/03	International Council Of Shopping Centers	30.00	Registration Fee	Administration
			<u>516.65</u>		
6110	10/23/03	Corporate Express	60.00	Office Supplies	Administration
6126	11/14/03	Corporate Express	66.21	Office Supplies	Administration
6128	11/14/03	Corporate Express	20.04	Office Supplies	Administration
			<u>146.25</u>		
Wire	10/15/03	Florida Department of Revenue	299.79	Sales Tax	Administration
Wire	11/18/03	Florida Department of Revenue	682.50	Sales Tax	Administration
			<u>982.29</u>		
6095	10/10/03	David Wood Temporaries	137.56	Prof. Services/Temp. Labor	Administration
6102	10/16/03	David Wood Temporaries	152.65	Prof. Services/Temp. Labor	Administration
6108	10/23/03	KPMG, LLP	5,000.00	Prof. Services/Audit.	Administration
6117	10/27/03	David Wood Temporaries	159.75	Prof. Services/Temp. Labor	Administration
6121	11/06/03	David Wood Temporaries	196.43	Prof. Services/Temp. Labor	Administration
6122	11/06/03	David Wood Temporaries	196.43	Prof. Services/Temp. Labor	Administration
6129	11/14/03	David Wood Temporaries	137.27	Prof. Services/Temp. Labor	Administration
6130	11/19/03	David Wood Temporaries	188.15	Prof. Services/Temp. Labor	Administration
6133	11/26/03	David Wood Temporaries	157.39	Prof. Services/Temp. Labor	Administration
			<u>6,325.63</u>		
Wire	10/17/03	Miami Beach Redevelopment Agency	18,393,283.00	Transfer to Fiduciary Trust Int'l for Investment Purposes.	Administration
			<u>18,393,283.00</u>		
Wire	11/03/03	Fiduciary Trust International	10,729.57	Accrued interest on investment purchase	Administration
Wire	11/10/03	Fiduciary Trust International	17,837.05	Accrued interest on investment purchase	Administration
			<u>28,566.62</u>		
<b>TOTAL ADMINISTRATION</b>			<b>18,429,820.44</b>		
6105	10/23/03	Jorden Burt Boros Cicchetti Berenson & Johnson LLf	702.60	Legal Fees	Portofino
6106	10/23/03	Jorden Burt Boros Cicchetti Berenson & Johnson LLf	5,650.09	Legal Fees	Portofino
			<u>6,352.69</u>		
6123	11/06/03	Miami-Dade County Tax Collector	23,559.88	Ad Valorem Prop. Tax - Murano	Portofino
6124	11/06/03	Miami-Dade County Tax Collector	25,086.93	Ad Valorem Prop. Tax - Yacht Club	Portofino
			<u>48,646.81</u>		
6091	10/06/03	Hazen & Sawyer, P.C.	5,091.56	Prof. Mgmt. Service - Murano	Portofino
6109	10/23/03	Hazen & Sawyer, P.C.	9,491.05	Prof. Mgmt. Service - Murano	Portofino
6131	11/21/03	Hazen & Sawyer, P.C.	2,968.73	Prof. Mgmt. Service - Murano	Portofino
			<u>17,551.34</u>		
6101	10/15/03	Murano Two, Ltd.	352,405.38	Murano Grande-Phase I (SSDI-North)	Portofino
			<u>352,405.38</u>		
<b>TOTAL PORTOFINO</b>			<b>424,956.22</b>		
6087	10/06/03	Siegfried, Rivera, Lerner, De La Torre & Sobel	12,629.50	Legal Fees	S. Pointe Streetscape
6088	10/06/03	Siegfried, Rivera, Lerner, De La Torre & Sobel	14,084.69	Legal Fees	S. Pointe Streetscape
6089	10/06/03	Siegfried, Rivera, Lerner, De La Torre & Sobel	23,503.66	Legal Fees	S. Pointe Streetscape
6090	10/06/03	Siegfried, Rivera, Lerner, De La Torre & Sobel	9,852.25	Legal Fees	S. Pointe Streetscape
6093	10/07/03	Siegfried, Rivera, Lerner, De La Torre & Sobel	7,712.54	Legal Fees	S. Pointe Streetscape
6118	10/27/03	Siegfried, Rivera, Lerner, De La Torre & Sobel	10,622.12	Legal Fees	S. Pointe Streetscape
			<u>78,404.76</u>		
6092	10/07/03	City of Miami Beach	100,000.00	Reimb. CMB Art in Public Places (AIPP)	S. Pointe Streetscape
6094	10/07/03	Wolfberg Alvarez	7,915.80	Professional Services-SP Street Ph. 2	S. Pointe Streetscape
6096	10/10/03	Wolfberg Alvarez	818.36	Professional Services-SP Street Ph. 2	S. Pointe Streetscape
6111	10/27/03	Hazen & Sawyer, P.C.	1,570.92	Professional Mgmt. Services	S. Pointe Streetscape

**Redevelopment Agency - South Pointe District**  
**Check & Wire Transfer Register by Project & Type of Expense**  
**Fiscal Year 2004 (through November 30, 2003)**

Check #	Date	Payee	Amount	Type of Expense	Project or N/A
6112	10/27/03	Hazen & Sawyer, P.C.	1,540.41	Professional Mgmt. Services	S. Pointe Streetscape
6113	10/27/03	Hazen & Sawyer, P.C.	2,019.96	Professional Mgmt. Services	S. Pointe Streetscape
6114	10/27/03	Hazen & Sawyer, P.C.	634.42	Professional Mgmt. Services	S. Pointe Streetscape
6115	10/27/03	Hazen & Sawyer, P.C.	241.18	Professional Mgmt. Services	S. Pointe Streetscape
6134	11/26/03	Wolfberg Alvarez	3,430.21	Professional Services-SP Street Ph. 2	S. Pointe Streetscape
			<u>118,171.26</u>		
<b>TOTAL S. POINTE STREETSCAPE</b>			<b>196,576.02</b>		
6107	10/23/03	The Gordian Group, Inc.	3,421.38	Professional Services	Victory Gardens
			<u>3,421.38</u>		
<b>TOTAL VICTORY GARDENS</b>			<b>3,421.38</b>		
6097	10/14/03	Armor Security, Inc.	687.12	Security Services	Alaska Baywalk
6098	10/14/03	Country Bills Lawn Maintenance	480.00	Service Contract	Alaska Baywalk
6099	10/14/03	Armor Security, Inc.	687.12	Security Services	Alaska Baywalk
6100	10/14/03	Armor Security, Inc.	687.12	Security Services	Alaska Baywalk
6103	10/16/03	Armor Security, Inc.	687.12	Security Services	Alaska Baywalk
6119	11/04/03	Armor Security, Inc.	687.12	Security Services	Alaska Baywalk
6120	11/04/03	Armor Security, Inc.	687.12	Security Services	Alaska Baywalk
6127	11/14/03	Armor Security, Inc.	1,374.24	Security Services	Alaska Baywalk
			<u>5,976.96</u>		
<b>TOTAL ALASKA BAYWALK</b>			<b>5,976.96</b>		
<b>REPORT TOTAL</b>			<b><u>\$ 19,060,751.02</u></b>		

File: F:\final\ACCT\SMAN\JUAN R\Rda (Commission Items)\SOPT-Monthly Reports\FY9-30-04\10-31-03\SOPT 2004 Checks & Wire By Projects -Oct 2003

**ATTACHMENT “A”**

**SUMMARY OF MAJOR  
PROJECTS**

## **REDEVELOPMENT PROJECTS (Planned and/or Underway)**

### **South Pointe Projects:**

#### **Project**

#### **Status - as of 11/30/03**

##### **Courts and Cosmopolitan Project (Formerly the Courts of South Beach)**

A Mediterranean town-house development located between First and Second Streets and between Alton Road and Washington Avenue. The project is the subject of a Development Agreement, executed by the RDA in 1989. Phases I, II, III and V, made up of residential and commercial are complete. Phase IV, consisting of 231 residential units and 10 commercial units is under construction and expected to be completed by January 2004.

In conformance with the original Development Agreement, the developer completed construction of a Piazza/bus station shelter located on Alton Rd. at 2<sup>nd</sup> Street which includes landscaping and pavers. Additionally, the developer has commenced streetscape improvements to be constructed from Meridian to Washington on 1<sup>st</sup> and 2<sup>nd</sup> Streets. Streetscape improvements will include new paving, sidewalks, drainage and landscaping.

Since the execution of the original Development Agreement, the development rights have transitioned to two additional developers. Groupe Pacific is currently the Developer of Record.

**Total Project Cost:** Est. \$100 Million

**Total CRA participation:** Est. \$16.5 Million - Land acquisition and related administrative and construction expenses.

##### **Library Project**

As part of the Courts Settlement Agreement, the RDA has exercised an option to purchase and contribute to the City of Miami Beach, a 5,000 square foot commercial condominium space in Phase I of the project, which is to be utilized as a Library or for other public usage that is mutually agreed to by the parties. The RDA shall pay \$275,000 in 10 yearly installments commencing on the closing date, which is scheduled to occur on September 30, 2004.

**Total Project Cost:** \$795,000

**Total CRA participation:** \$275,000

##### **Community/Victory Garden**

In an effort to provide increased parking in the South Pointe area, and in an effort to maximize the future use of City assets, the Community Garden located at 131-139 Washington Avenue will be moved to 224 Collins Avenue. From March 2001 through September 2001, several Community meetings were held to discuss this issue with residents and City Staff.

## **Project**

**Status - as of 11/30/03**

### **Community/Victory (con't)**

In January 2002, an Architectural and Engineering Firm was selected, and on March 19, 2003, the Board ratified the selection of the artist for the project as recommended by the Art in Public Places Committee. Construction documents are 100% complete. The project, which will be handled through the JOC process, is projected to be completed by March of 2004.

**Total Project Cost:** Est. \$168,800

**Total CRA participation:** Est. \$168,800

### **Portofino**

Development of the Miami Beach Marina (SSDI North & South) and several other properties owned by the Portofino Group in the South Pointe Area. Portofino's properties west of Washington Ave. are subject to a DRI and their development is conditioned by a Settlement Agreement with the RDA (1998). The first phase involving Portofino Tower, a 228-unit luxury condominium was completed in 1997. The second phase is the Yacht Club at Portofino a 361-unit luxury condominium, on the south part of the Marina (SSDI South), and the adjacent Murano Tower, a 189-unit luxury condominium, which was completed in 2002. The RDA's responsibilities relative to these developments include the reimbursement to the Developer for utility relocations, the completion and repair of the seawall and baywalk, public parking for the Marina (located in the first floor of each of the projects' parking garages) and certain streetscape improvements. The third phase, involving the construction of two luxury condominium towers, Murano Grande and Icon, which will house approximately 555 units, is underway. During the first week of May, Murano Grande received a TCO. The construction of the ICON project is underway and is expected to take 18-24 months to complete.

**Total CRA participation:** Est. \$14 Million - utility relocations, completion and repair of the seawall and baywalk, public parking for the Marina and certain streetscape improvements.

### **Temporary Alaska Parcel Baywalk**

In connection with parking lots constructed south of South Pointe Drive, and pursuant to a Planning Board Order issued on August 22, 2001, the property owner of the Alaska Parcel agreed to grant the City/RDA a temporary non-exclusive baywalk access easement over and upon the setback area solely for the purposes of public access and to allow the City/RDA to construct, operate and maintain a temporary baywalk for the duration of the period of time that the Alaska Bayfront Assemblage is utilized for temporary parking purposes. Consequently, on May 29, 2002, Resolution 421-2002 was passed appropriating \$171,000 from South Pointe Tax Increment Funds for the construction costs of a temporary pedestrian baywalk. On March 19, 2003, Resolution 447-2003 accepted a grant of a temporary baywalk easement, and

## **Project**

**Status - as of 11/30//03**

### **Temporary Alaska Parcel Baywalk (con't)**

further appropriated an amount not to exceed \$60,000 for the operation and maintenance of the baywalk. Construction of the temporary baywalk was completed in August, 2003.

**Total CRA participation:** \$231,000 for construction, operation and maintenance of baywalk.

### **Streetscape Improvements**

A \$27 million streetscape improvement project for the South Pointe Area, based on a Master Plan and preliminary design by Duany Plater-Zyberk and endorsed by South Pointe Advisory Board; Phase I of the streetscape improvements, comprising Third Street and Washington Avenue, including its two-block extension in South Pointe Park, was completed in October 2002. Design and planning of Phase II of the streetscape improvements for the area between 5<sup>th</sup> Street and 2<sup>nd</sup> Street, and between Washington Ave. and Alton Road, is approximately 50% complete. On September 25, 2002, the Commission approved an A/E services contract. A second Community Design Workshop took place on May 1, 2003. The Basis of Design Report prepared by the consultant/design team is expected to be presented to the City Commission by December, 2003. Construction is scheduled to commence in the fall of 2004 and is projected to take 16 months to complete.

### **Relocation of 72" Drain Pipe**

The relocation of a 72" drainage pipe and corresponding outfall, along the south side of the MacArthur Causeway, from Alton Rd. to the water commenced in May 2003, and was completed in July, 2003.

**Total Project Cost:** Est. \$30 Million

**Total CRA participation:** \$30 Million

### **South Pointe Park**

Preparation and implementation of Master Plan for South Pointe Park, funded by a combination of tax increment and GO Bond funds. The project will include landscaping, lighting, pedestrian paths, parking and maintenance facilities.

**Total Project Cost:** \$5.2 Million

**Total CRA participation:** \$3.2 Million

### **Waste Water Master Booster Pump Station**

In order to address the City's need for a waste water master booster pump station, a design consultant is in the process of designing the facility on the city-owned triangular property which fronts Alton Road, between First Street and Commerce Street. Construction documents are approximately 30% complete. This project will partially be funded through Water and Sewer Bond funds and, due to site restrictions and resident/design considerations may require additional funds from the RDA.

**Total Project Cost:** TBD

**Total CRA participation:** TBD

**Project****Status - as of 11/30/03****Art in Public Places**

The required Art in Public Places component of the Public Plaza on Washington Avenue and Third Street, has been designed and is being constructed.

**Total Project Cost:** \$100,000

**Total CRA participation:** \$100,000



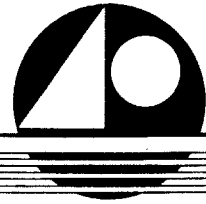
**CITY CENTER**

**REDEVELOPMENT DISTRICT**

**FINANCIAL INFORMATION**

**FOR THE MONTH ENDED**

**NOVEMBER 30, 2003**



**January 14, 2004**

**TO: Jorge M. Gonzalez, Executive Director**

**FROM: Patricia D. Walker, Chief Financial Officer  
City of Miami Beach**

**SUBJECT: City Center Redevelopment District Financial Information  
For the Two Months Ended November 30, 2003**

At the July 15, 1998 Commission/Redevelopment Agency meeting a request was made for monthly financial information for the City Center Redevelopment District. The information has been compiled and is attached.

**Historical Cash Basis Financial Information**

The summary report included in the attached material, reflects that during the period from October 1, 1993 through November 30, 2003 approximately \$233,337,000 of revenues were received in the City Center District of the Redevelopment Agency ("RDA").

The primary sources of these revenues included approximately:

- \$ 108,779,000 - Bond proceeds;
- \$ 56,757,000 - Incremental Ad Valorem tax;
- \$ 19,190,000 - Draws from the line of credit from the City of Miami Beach;
- \$ 13,985,000 - Resort tax contributions;
- \$ 8,485,000 - Anchor Garage receipts;
- \$ 7,334,000 - Interest income;
- \$ 5,422,000 - Loews Ground Lease receipts;
- \$ 3,000,000 - Loan from the City of Miami Beach;
- \$ 2,700,000 - Contributions from GMCVB toward debt service payments;
- \$ 1,976,000 - Reimbursements from other state and local agencies;
- \$ 1,923,000 - Anchor Shops receipts;
- \$ 700,000 - Contribution from CMB Parking Department;
- \$ 350,000 - RDP Royal Palm Ground Lease receipts; and
- \$ 2,736,000 - From various sources.

On the expenditure side, approximately \$212,373,000 has been expended from

**SOUTH POINTE  
Redevelopment District**

**CITY CENTER  
Redevelopment District**

October 1, 1993 through November 30, 2003. These approximate expenditures were primarily made in the following areas:

- \$ 81,592,000 - Debt Service Payments;
- \$ 61,516,000 - Convention Center Hotel Project (Loews Hotel);
- \$ 18,248,000 - Hotel Garage Project;
- \$ 12,883,000 - African-American Hotel Project;
- \$ 10,218,000 - Lincoln Road/Bass Museum Loan Repayment to CMB;
- \$ 8,457,000 - Collins Park Cultural Center;
- \$ 5,704,000 - Administrative Costs;
- \$ 5,371,000 - Anchor Garage Operations;
- \$ 2,385,000 - Secondary Pledge Repayments (Resort Tax);
- \$ 2,203,000 - Colony Theater;
- \$ 1,129,000 - Beachwalk Project;
- \$ 951,000 - Lincoln Road Project;
- \$ 455,000 - Anchor Shops Operations;
- \$ 182,000 - Movie Theater Project; and
- \$ 1,079,000 - Other Project Costs.

The cash balance as of November 30, 2003 is approximately \$20,964,000. This balance consisted of the following amounts:

- \$ 5,098,000 - Cash and Investments Balance
- \$ 8,292,000 - Construction Accounts
- \$ 5,779,000 - Fully Funded Debt Service Reserve Accounts
- \$ 1,795,000 - Portion of Debt Service Payments, Held in Trust.

JMG:PDW:MMW:jar



**SUMMARY OF  
CASH BASIS TRANSACTIONS  
FOR THE MONTH ENDED  
NOVEMBER 30, 2003**

**Redevelopment Agency - City Center/Historic Convention Village**  
**Summary of Cash Basis Transactions by Project**  
**Fiscal Years 1994 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
<b>OPENING CASH/INVESTMENT BALANCE</b>	\$	\$ 21,455,581	
<b>REVENUE</b>			
- Tax increment - County	26,068,412	-	\$ 26,068,412
- Tax increment - City	30,669,084	-	30,669,084
- Tax increment (Interest) - County	19,057	-	19,057
- Bond proceeds	108,779,453	-	108,779,453
- Rental income	9,300	-	9,300
- Anchor Garage receipts	8,082,531	258,830	8,341,361
- Anchor Garage deposit card receipts	16,376	530	16,906
- Anchor Shops rental income	1,755,238	115,944	1,871,182
- Anchor Shops rental deposits	52,230	-	52,230
- Loews Facility Use/Usage Fee	126,504	-	126,504
- Loews Ground Lease Receipts	5,338,198	83,334	5,421,532
- RDP Royal Palm Ground Lease Receipts	293,502	56,667	350,169
- Interest income	7,316,814	16,740	7,333,554
- Resort tax contributions	13,743,015	242,255	13,985,270
- Bid deposits - hotels	375,000	-	375,000
- Bid deposits - cinema	100,000	-	100,000
- Loan from City	3,000,000	-	3,000,000
- Line of credit from City	19,190,000	-	19,190,000
- Cultural Campus	1,975,762	-	1,975,762
- St. Moritz Hotel - refund/reimbursement	925,450	-	925,450
- Reimbursements (GMCVB/RE taxes/Grants)	3,864,530	-	3,864,530
- St. sales tax (receipt - income for pmt. to St)	634,787	28,309	663,096
- Miami City Ballet environmental clean-up	31,698	-	31,698
- Anchor Garage insurance reimbursement	26,170	-	26,170
- Real Estate taxes refund	-	56,585	56,585
- Miscellaneous	84,194	-	84,194
<b>TOTAL REVENUE</b>	<b>232,477,305</b>	<b>859,194</b>	<b>\$ 233,336,499</b>

**EXPENDITURES**

**PROJECTS**

African-American Hotel	(12,869,748)	(13,220)	(12,882,968)
Convention Hotel	(61,516,007)	-	(61,516,007)
Hotel Garage - Construction	(18,247,976)	-	(18,247,976)
Movie Theater Project	(182,200)	-	(182,200)
Lincoln Road	(892,440)	(58,587)	(951,027)
Beachwalk	(918,460)	(210,328)	(1,128,788)
Collins Park Cultural Center	(8,457,186)	-	(8,457,186)
Bus Prop. Ctr.	(159)	-	(159)
Chamber of Commerce Relocation Study	(2,000)	-	(2,000)

**Redevelopment Agency - City Center/Historic Convention Village**  
**Summary of Cash Basis Transactions by Project**  
**Fiscal Years 1994 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
Colony Theater	(1,698,653)	(503,786)	(2,202,439)
Cultural Campus	(36)	-	(36)
East/West Corridor	(88)	-	(88)
Electrowave	(3,161)	-	(3,161)
Garden Center	(93)	-	(93)
Guidelines	(12,450)	-	(12,450)
Old City Hall	(499)	-	(499)
17th Street Surface Lot	(251,563)	-	(251,563)
Streetscapes	(324,849)	-	(324,849)
6th Street Streetscape	(577)	-	(577)
Botanical Gardens	(30,302)	-	(30,302)
Transportation Mobility Study	(32,225)	-	(32,225)
Convention Center Storm Water Improve.	(16,595)	-	(16,595)
New World Symphony	(10,404)	(4,872)	(15,276)
Washington Avenue Streetscape	(7,251)	-	(7,251)
Rotunda	(15,000)	-	(15,000)
Bass Museum	(311,377)	(55,281)	(366,658)
<b>Total Projects</b>	<b>(105,801,299)</b>	<b>(846,074)</b>	<b>(106,647,373)</b>
<b><u>ADMINISTRATION</u></b>	<b><u>(5,686,007)</u></b>	<b><u>(18,298)</u></b>	<b><u>(5,704,305)</u></b>
<b><u>DEBT SERVICE/LOAN REPAYMENT</u></b>	<b><u>(83,977,243)</u></b>	<b><u>-</u></b>	<b><u>(83,977,243)</u></b>
<b><u>CITY OF MIAMI BEACH/LOAN REPAYMENT</u></b>	<b><u>(10,217,727)</u></b>	<b><u>-</u></b>	<b><u>(10,217,727)</u></b>
<b><u>ANCHOR GARAGE OPERATIONS</u></b>	<b><u>(4,903,380)</u></b>	<b><u>(467,532)</u></b>	<b><u>(5,370,912)</u></b>
<b><u>ANCHOR SHOPS OPERATIONS</u></b>	<b><u>(436,067)</u></b>	<b><u>(19,229)</u></b>	<b><u>(455,296)</u></b>
<b>TOTAL EXPENDITURES</b>	<b>(211,021,723)</b>	<b>(1,351,133)</b>	<b>\$ (212,372,856)</b>
<b>ENDING CASH/INVSTMT. BALANCE</b>	<b>\$ 21,455,581</b>	<b>\$ 20,963,642</b>	

**Redevelopment Agency - City Center/Historic Convention Village**  
**Summary of Cash Basis Transactions by Expenditure Type**  
**Fiscal Years 1994 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
<b>OPENING CASH/INVESTMENT BALANCE</b>	\$	\$ 21,455,581	
<b>REVENUE</b>			
- Tax increment - County	26,068,412	-	\$ 26,068,412
- Tax increment - City	30,669,084	-	30,669,084
- Tax increment (Interest) - County	19,057	-	19,057
- Bond proceeds	108,779,453	-	108,779,453
- Rental income	9,300	-	9,300
- Anchor Garage receipts	8,082,531	258,830	8,341,361
- Anchor Garage deposit card receipts	16,376	530	16,906
- Anchor Shops rental income	1,755,238	115,944	1,871,182
- Anchor Shops rental deposits	52,230	-	52,230
- Loews Facility Use/Usage Fee	126,504	-	126,504
- Loews Ground Lease Receipts	5,338,198	83,334	5,421,532
- RDP Royal Palm Ground Lease Receipts	293,502	56,667	350,169
- Interest income	7,316,814	16,740	7,333,554
- Resort tax contributions	13,743,015	242,255	13,985,270
- Bid deposits - hotels	375,000	-	375,000
- Bid deposits - cinema	100,000	-	100,000
- Loan from City	3,000,000	-	3,000,000
- Line of credit from City	19,190,000	-	19,190,000
- Cultural Campus	1,975,762	-	1,975,762
- St. Moritz Hotel - refund/reimbursement	925,450	-	925,450
- Reimbursements (GMCVB/RE taxes/Grants)	3,864,530	-	3,864,530
- St. sales tax (receipt - income for pmt. to St)	634,787	28,309	663,096
- Miami City Ballet environmental clean-up	31,698	-	31,698
- Anchor Garage insurance reimbursement	26,170	-	26,170
- Real estate taxes refund	-	56,585	56,585
- Miscellaneous	84,194	-	84,194
<b>TOTAL REVENUE</b>	<b>232,477,305</b>	<b>859,194</b>	<b>\$ 233,336,499</b>
<b>EXPENDITURES</b>			
Administrative fees	(31,684)	-	(31,684)
Appraisal fees	(125,368)	-	(125,368)
Bid refund	(230,000)	-	(230,000)
Board up	(60,758)	-	(60,758)
Bond costs	(211,440)	-	(211,440)
Building permit fees	(173,269)	-	(173,269)
Construction	(47,517,407)	-	(47,517,407)
Delivery	(2,995)	-	(2,995)
Demolition	(203,195)	-	(203,195)
Electric service	(1,976)	-	(1,976)
Environmental	(354,908)	-	(354,908)
Equipment rental	(53,465)	-	(53,465)
Hotel negotiation consultant	(849,243)	-	(849,243)
Hotel selection/study	(263,357)	-	(263,357)

**Redevelopment Agency - City Center/Historic Convention Village**  
**Summary of Cash Basis Transactions by Expenditure Type**  
**Fiscal Years 1994 - 2004 (through November 30, 2003)**

	Prior Years	FY 2004	Total Rev./Expend.
Land acquisition	(41,240,564)	-	(41,240,564)
Legal fees/costs	(2,672,921)	(13,220)	(2,686,141)
Lot clearing	(34,771)	-	(34,771)
Maintenance	(245,288)	(58,587)	(303,875)
Miscellaneous	(416,998)	-	(416,998)
Owner's representative fee & expenses	(1,823,466)	-	(1,823,466)
Postage, printing & mailing	(27,855)	-	(27,855)
Professional services	(1,532,434)	(210,328)	(1,742,762)
Public notice/advertisement	(26,472)	-	(26,472)
Refund of deposits	(185,000)	-	(185,000)
Reimburse closing costs to C.M.B.	(3,000,000)	-	(3,000,000)
Reimbursements	(78,041)	-	(78,041)
Relocation	(131,784)	-	(131,784)
Revitalization	(534,793)	-	(534,793)
Security guard service	(277,825)	-	(277,825)
Streetscape	(401,312)	-	(401,312)
Temporary staffing	(7,119)	-	(7,119)
Title insurance	(25,271)	-	(25,271)
Traffic parking study	(8,600)	-	(8,600)
Training, conferences & meetings	(3,268)	-	(3,268)
Travel & related expenses	(28,730)	-	(28,730)
Utilities	(323,116)	-	(323,116)
Water/Sewer (impact fees)	(25,240)	-	(25,240)
<b>Total</b>	<b>(103,129,933)</b>	<b>(282,135)</b>	<b>(103,412,068)</b>
<b>- Miscellaneous Projects</b>	<b>(2,671,366)</b>	<b>(563,939)</b>	<b>(3,235,305)</b>
<b>Total Projects</b>	<b>(105,801,299)</b>	<b>(846,074)</b>	<b>(106,647,373)</b>
 <b><u>ADMINISTRATION</u></b>	 <b>(5,686,007)</b>	 <b>(18,298)</b>	 <b>(5,704,305)</b>
<b><u>DEBT SERVICE/LOAN REPAYMENT</u></b>	<b>(83,977,243)</b>	<b>-</b>	<b>(83,977,243)</b>
<b><u>CITY OF MIAMI BEACH/LOAN REPAYMENT</u></b>	<b>(10,217,727)</b>	<b>-</b>	<b>(10,217,727)</b>
<b><u>ANCHOR GARAGE OPERATIONS</u></b>	<b>(4,903,380)</b>	<b>(467,532)</b>	<b>(5,370,912)</b>
<b><u>ANCHOR SHOPS OPERATIONS</u></b>	<b>(436,067)</b>	<b>(19,229)</b>	<b>(455,296)</b>
 <b>TOTAL EXPENDITURES</b>	 <b>(211,021,724)</b>	 <b>(1,351,133)</b>	 <b>\$ (212,372,856)</b>
 <b>ENDING CASH/INVSTMT. BALANCE</b>	 <b>\$ 21,455,581</b>	 <b>\$ 20,963,642</b>	



**CHECK & WIRE TRANSFER  
REGISTER**

**SORTED BY**

**PROJECT & TYPE OF  
EXPENDITURE**

**FOR THE MONTH ENDED  
NOVEMBER 30, 2003**

**Redevelopment Agency - City Center District**  
**Check & Wire Transfer Register by Project & Type of Expense**  
**Fiscal Year 2004 (through November 30, 2003)**

Check #	Date	Payee	Amount	Type of Expense	Project or N/A
3760	10/14/03	***Void***	0.00		Administration
3768	10/17/03	***Void***	0.00		Administration
			<u>0.00</u>		
3769	10/17/03	Squire, Sanders & Dempsey, LLP	4,049.75	Legal Service - General Advice	Administration
3770	10/23/03	Department of Community Affairs	175.00	Miscellaneous (fee)	Administration
3773	10/27/03	Christina Cuervo	634.79	Miscellaneous	Administration
3776	10/27/03	Comet Courier Corp.	30.90	Miscellaneous	Administration
3780	11/04/03	Christina Cuervo	128.81	Miscellaneous	Administration
3793	11/12/03	International Council of Shopping Centers	260.00	Miscellaneous-Registration Fee	Administration
3816	11/21/03	International Council of Shopping Centers	30.00	Miscellaneous-Registration Fee	Administration
			<u>5,309.25</u>		
3754	10/08/03	Corporate Express	96.01	Office Supplies	Administration
3772	10/23/03	Corporate Express	60.00	Office Supplies	Administration
3792	11/12/03	Corporate Express	66.21	Office Supplies	Administration
3796	11/14/03	Corporate Express	20.04	Office Supplies	Administration
3810	11/19/03	Corporate Express	82.00	Office Supplies	Administration
3812	11/19/03	Corporate Express	23.25	Office Supplies	Administration
			<u>347.51</u>		
3756	10/10/03	David Wood Temporaries	137.56	Prof. Services/Temp. Staff	Administration
3765	10/16/03	David Wood Temporaries	152.65	Prof. Services/Temp. Staff	Administration
3771	10/23/03	KPMG, LLP	5,000.00	Prof. Services/Audit.	Administration
3775	10/27/03	David Wood Temporaries	159.75	Prof. Services/Temp. Staff	Administration
3781	11/04/03	David Wood Temporaries	196.43	Prof. Services/Temp. Staff	Administration
3782	11/04/03	First Southwest Asset Management, Inc.	6,315.00	Prof. Services/Arbitrage	Administration
3787	11/06/03	David Wood Temporaries	196.44	Prof. Services/Temp. Staff	Administration
3795	11/14/03	David Wood Temporaries	137.26	Prof. Services/Temp. Staff	Administration
3811	11/19/03	David Wood Temporaries	188.15	Prof. Services/Temp. Staff	Administration
3819	11/26/03	David Wood Temporaries	157.38	Prof. Services/Temp. Staff	Administration
			<u>12,640.62</u>		
Wire	10/17/03	Miami Beach Redevelopment Agency	2,161,917.00	Transfer to Fiduciary Trust Int'l for Investment Purposes.	Administration
			<u>2,161,917.00</u>		
<b>TOTAL ADMINISTRATION</b>			<b>2,180,214.38</b>		
3757	10/10/03	Bloom & Minsker	9,714.05	Professional fees/legal	African-American Hotel
3818	11/26/03	Bloom & Minsker	3,506.10	Professional fees/legal	African-American Hotel
			<u>13,220.15</u>		
<b>TOTAL AFRICAN-AMERICAN</b>			<b>13,220.15</b>		
3745	10/06/03	Armor Security, Inc.	3,427.01	Security Services	Anchor Garage Operations
3746	10/06/03	Best's Maintenance & Janitorial Services, Inc.	2,924.00	Janitorial Service	Anchor Garage Operations
3747	10/06/03	Armor Security, Inc.	3,229.87	Security Services	Anchor Garage Operations
3749	10/06/03	Royce Parking Control System, Inc.	775.00	Miscellaneous-Service Contract.	Anchor Garage Operations
3759	10/14/03	City of Miami Beach	806.00	Miscellaneous-Elevator maint.	Anchor Garage Operations
3764	10/15/03	City of Miami Beach	527.42	Reimb. CMB for Thyssen Miami Elevator	Anchor Garage Operations
3766	10/17/03	City of Miami Beach	1,919.36	Property Management work	Anchor Garage Operations
3783	11/04/03	Miami-Dade County Tax Collector	382,637.47	Miscellaneous-Property Taxes	Anchor Garage Operations
3785	11/06/03	BellSouth	277.39	Miscellaneous-Telephone Service	Anchor Garage Operations
3786	11/06/03	City of Miami Beach	171.64	Reimb. CMB for Waste Mgmt	Anchor Garage Operations
3790	11/06/03	City of Miami Beach	895.28	Utilities	Anchor Garage Operations
3791	11/12/03	City of Miami Beach	7.00	United Way Contrib. Collected 10/03	Anchor Garage Operations
3799	11/19/03	Armor Security, Inc.	3,361.98	Security Services	Anchor Garage Operations
3800	11/19/03	Armor Security, Inc.	3,085.91	Security Services	Anchor Garage Operations
3801	11/19/03	Armor Security, Inc.	3,042.96	Security Services	Anchor Garage Operations
3802	11/19/03	Armor Security, Inc.	3,199.40	Security Services	Anchor Garage Operations
3803	11/19/03	Armor Security, Inc.	3,061.37	Security Services	Anchor Garage Operations
3804	11/19/03	Best's Maintenance & Janitorial Services, Inc.	2,924.40	Janitorial Service	Anchor Garage Operations
3805	11/19/03	Thyssen Krupp Elevator	3,045.97	Elevator Service	Anchor Garage Operations
3806	11/19/03	Country Bills Lawn Maintenance	228.00	Lawn Maintenance	Anchor Garage Operations
3807	11/19/03	Royce Parking Control System, Inc.	775.00	Miscellaneous-Service Contract	Anchor Garage Operations
3808	11/19/03	Royce Parking Control System, Inc.	775.00	Miscellaneous-Service Contract	Anchor Garage Operations
3809	11/19/03	City of Miami Beach	3,374.00	Property Management Work	Anchor Garage Operations
3814	11/20/03	Armor Security, Inc.	3,128.85	Security Services	Anchor Garage Operations
3815	11/21/03	BellSouth	136.13	Miscellaneous-Telephone Service	Anchor Garage Operations
			<u>427,736.41</u>		

**Redevelopment Agency - City Center District**  
**Check & Wire Transfer Register by Project & Type of Expense**  
**Fiscal Year 2004 (through November 30, 2003)**

Check #	Date	Payee	Amount	Type of Expense	Project or N/A
3755	10/10/03	APCOA/Standard Parking	7,765.05	Salary Reimbursements	Anchor Garage Operations
3797	11/19/03	APCOA/Standard Parking	7,909.01	Salary Reimbursements	Anchor Garage Operations
3798	11/19/03	APCOA/Standard Parking	7,977.33	Salary Reimbursements	Anchor Garage Operations
			<u>23,651.39</u>		
Wire	10/15/03	Florida Department of Revenue	7,513.22	Sales Tax Payment	Anchor Garage Operations
Wire	11/18/03	Florida Department of Revenue	8,630.80	Sales Tax Payment	Anchor Garage Operations
			<u>16,144.02</u>		
<b>TOTAL ANCHOR GARAGE OPER.</b>			<b>467,531.82</b>		
3783	11/04/03	Miami-Dade County Tax Collector	11,834.15	Miscellaneous-Property Taxes	Anchor Shops Oper.
			<u>11,834.15</u>		
Wire	10/15/03	Florida Department of Revenue	4,472.97	Sales Tax	Anchor Shops Oper.
3774	10/27/03	Florida Department of Revenue	90.03	Sales Tax	Anchor Shops Oper.
Wire	11/18/03	Florida Department of Revenue	2,831.72	Sales Tax	Anchor Shops Oper.
			<u>7,394.72</u>		
<b>TOTAL ANCHOR SHOPS OPER.</b>			<b>19,228.87</b>		
3752	10/07/03	City of Miami Beach	66,849.25	Transfer to CMB (Art in Public Places)	Colony Theater Restoration
3778	11/04/03	BellSouth	153.48	Miscellaneous-Telephone	Colony Theater Restoration
			<u>67,002.73</u>		
3744	10/06/03	McCartney Construction Company	215,941.30	Construction Costs	Colony Theater Restoration
3758	10/10/03	McCartney Construction Company	207,365.10	Construction Costs	Colony Theater Restoration
			<u>423,306.40</u>		
3743	10/06/03	R.J. Heisenbottle Architects	13,477.53	Professional Services	Colony Theater Restoration
			<u>13,477.53</u>		
<b>TOTAL COLONY THEATER RESTORATION</b>			<b>503,786.66</b>		
3777	10/29/03	City of Miami Beach	16,057.18	Reimb. CMB payment R.L. Saum Const.	Beachwalk Project
3779	11/04/03	Coastal Systems International, Inc.	13,390.07	Professional Services	Beachwalk Project
3813	11/20/03	R.L. Saum Construction Co.	180,880.99	Professional Services	Beachwalk Project
			<u>210,328.24</u>		
<b>TOTAL BEACHWALK PROJECT</b>			<b>210,328.24</b>		
3750	10/06/03	Mercedes Electric Supply, Inc.	96.94	Lighting	Lincoln Road Improv. Project
3753	10/07/03	Mercedes Electric Supply, Inc.	19,326.36	Lighting	Lincoln Road Improv. Project
3761	10/14/03	City of Miami Beach	140.00	Reimb. CMB for Mobile Storage Group	Lincoln Road Improv. Project
3762	10/14/03	City of Miami Beach	1,474.56	Reimb. CMB for Wells Fargo Business	Lincoln Road Improv. Project
3763	10/14/03	City of Miami Beach	3,038.40	Reimb. CMB for Wells Fargo Business	Lincoln Road Improv. Project
3784	11/06/03	City of Miami Beach	140.00	Reimb. CMB for Mobile Storage Group	Lincoln Road Improv. Project
3788	11/06/03	City of Miami Beach	21,675.60	Property Mgmt Work	Lincoln Road Improv. Project
3789	11/06/03	City of Miami Beach	11,749.00	Property Mgmt Work	Lincoln Road Improv. Project
3817	11/26/03	Mercedes Electric Supply, Inc.	946.26	Lighting	Lincoln Road Improv. Project
			<u>58,587.12</u>		
<b>TOTAL LINCOLN ROAD IMPROVE. PROJECT</b>			<b>58,587.12</b>		
3748	10/06/03	F & L Construction	15,950.00	Co-Payment w/CMB (Humidifiers)	Bass Museum
3751	10/07/03	City of Miami Beach	31,770.00	Transfer to CMB (Art in Public Places)	Bass Museum
3794	11/14/03	The Gordian Group, Inc.	7,561.32	Contracting Services - Humidifiers	Bass Museum
			<u>55,281.32</u>		
<b>TOTAL BASS MUSEUM PROJECT</b>			<b>55,281.32</b>		
3767	10/17/03	Squire, Sanders & Dempsey, LLP	4,872.06	Legal Fees	New World Symphony
			<u>4,872.06</u>		
<b>TOTAL NEW WORLD SYMPHONY</b>			<b>4,872.06</b>		
<b>REPORT TOTAL</b>			<b>\$ 3,513,050.62</b>		

**ATTACHMENT “A”**

**SUMMARY OF MAJOR  
PROJECTS**

## **REDEVELOPMENT PROJECTS (Planned and/or Underway)**

### **City Center Projects:**

#### **Project**

#### **Status - as of 11/30/2003**

##### **Beachwalk Project**

An at-grade, landscaped pedestrian beachwalk, connecting 21st Street to Lummus Park, designed and engineered by Coastal Systems International. The Project was permitted by the State of Florida in March, 1998. The Project was contested by a property owner and was stalled for almost 5 years in court. In November, 2001, the City received a Partial Notice to Proceed from the State of Florida as a result of a favorable finding for City by the courts. The full permit was issued in April 2002. Plans and bid specifications for the Beachwalk as well as the street-end improvements for 17th and 18th Street street-ends, which are part of the Beachwalk, have been updated and completed by the Architect. The Project was put out to bid during the last week of August 2002. Proposals were received during the last week of October. On November 13, 2002, the RDA awarded a contract to R. L. Saum Construction Co. to proceed with the project and appropriated \$3.7 million. Construction began during mid-March 2003 and is being phased as to mitigate adverse impact to area hotels and businesses fronting the beach. The project is anticipated to be completed in Spring 2004.

**Total Project Cost: \$4 Million**

**Total CRA participation: \$4 Million - Construction**

##### **17<sup>th</sup> & 18<sup>th</sup> Street-end Project**

The current layout of the 17<sup>th</sup> and 18<sup>th</sup> Street street-ends poses severe limitations for traffic circulation and parking, especially as it relates to the operations of the Delano and Ritz Plaza Hotels. Coastal Systems contract for the design of the Beachwalk was amended to include the development of conceptual plans and cost estimates for the extension of 17th and 18th Streets, seaward to the ECL. Coastal Systems is recommending extending and reconstructing both street-ends to match the Boardwalk motif. The street-end cul-de-sacs are proposed to be relocated approximately 50 to 70 feet east, respectively, to enhance the conditions of the streets and improve the street-end layout. Extension and reconstruction of the two street-ends will require demolition and reconstruction of the public right-of-way with new curbing, paver block sidewalks, asphalt pavement, striping and signage. Construction Drawings and specifications have been updated to reflect FDOT improvements and tie-ins on Collins Avenue. The Project was bid as part of the Beachwalk Project and will follow the same schedule.

**Total Project Cost (est): \$610,000**

**Total CRA participation: \$610,000 - Construction**

## **Project**

**Status - as of 11/30/2003**

### **Collins Park Cultural Center**

Implementation of a Master Plan calling for the development of a new regional library, streetscape and park improvements to link cultural activities in the area, including the Bass Museum and the Miami City Ballet. Land acquisition through eminent domain was completed in January 2002 and construction documents for the remaining portions of the Cultural Campus as identified in the Master Plan have been completed. On April 10, 2002, the City awarded the construction contract for the Library to the Tower Group. Construction began in May 2002 and achieved substantial completion in November 2003. A temporary certificate of occupancy (TCO) is expected to be issued by the end of the 2003. Opening is anticipated in January, 2004. Negotiations are also currently underway with Stern Architects to undertake the design of Collins Park, which includes the area currently occupied by the existing library, which is scheduled to be demolished. Separately, the Rotunda structure which is part of the old library, will be preserved and converted into a public venue for performing arts and public functions.

**Total Project Cost:** \$11.6 Million – includes land acquisition, streetscape and surrounding infrastructure improvements.

**Total CRA participation:** \$8.5 Million .

### **Colony Theater Project**

The City has engaged the State of Florida's Department of Management Services to manage the restoration and renovation of the Colony Theater. Preliminary plans call for the removal of the rear 45 feet of existing building, construction of a new stage house, small second and third floor service areas behind the stage, a fourth floor "Backstage" area, elevator, stairs, and the addition of a new vestibule and exterior access ramp to provide ADA access to the stage. The historic preservation scope involves removing the existing marquee and storefront on Lincoln Road to its original historic appearance and modifying the interior lobby, office and concession area to be more consistent with the building's original design. Construction drawings were completed on April 29, 2002, and have been submitted to the Building Official for review. Due to delays with structural reviews and permitting, the Project start-up was delayed by approximately 6 months, beginning in late November, 2002, and is anticipated to take 12-14 months to complete. To date, demolition of the main stage house, as well as, non-historic portions of the lobby are completed. Vertical construction on the site of the new stage house is well underway. Structural bracing has been installed to protect lobby and auditorium structures and electrical rough-in is occurring in the auditorium. Rain water, storm drain & condensate installation is underway as well as installation of bulk main and branches of the fire sprinkler system. The Project is scheduled for substantial completion in early Summer, 2004.

**Total Project Cost:** \$6.3 Million

**Total CRA participation:** \$3.2 Million - Construction

## **Project**

## **Status - as of 11/30/03**

### **New World Symphony**

The Administration has successfully negotiated a Lease and Development Agreement with the New World Symphony (NWS) regarding its proposed lease of a portion of the 17th Street Surface Parking Lot to accommodate its Sound Space design concept (the Project). As envisioned, the proposed 50,000 square foot facility will provide state-of-the-art communication and media capabilities with performance, classroom, rehearsal and broadcast space. In addition to providing a world-renowned, state-of-the-art facility, another focal point for the community, and the basis for considering the facility's location on this site, is that it will incorporate giant video screen(s) on one or more facades of the building, allowing the public to view live and recorded broadcasts from around the world. The Master Plan contemplates situating the facility on the west surface lot, just to the north of the exiting NWS Theater on Lincoln Road. On July 30, 2003, the Development Agreement between the City of Miami Beach and the New World Symphony, following a duly noticed public hearing, was approved on first reading. A second and final reading of the Development Agreement was held on September 10, 2003, together with a Resolution approving a Lease Agreement, following a separate public hearing.

Separately, but related to the implementation of the 17<sup>th</sup> Street Master Plan and the realization of NWS' plans, proposals have been received in response to an RFQ for architectural and planning services for the programming and design of the City Hall Expansion Lot parking facility. The selection process is currently underway and a contract award is anticipated in February, 2004.

**Total Project Cost:** Soundspace - Min. \$40 million; Parking component - \$5 million; Park component - \$10 million  
**Total CRA participation:** TBD

### **City Center Right-of-Way Improvement Project**

The City Center Right of Way (ROW) Infrastructure Improvement Project is a \$16 million infrastructure project which includes the restoration and enhancement of right-of-ways/streetscapes throughout City Center, including roadway, sidewalk, curb and gutter, landscape, streetscape irrigation, lighting, potable water, and storm drainage infrastructure as needed. The estimated budget for the project is \$16,069,350. The estimated construction budget for the project is \$12,173,750. This estimated construction total includes \$6,577,500 for streetscape; \$4,296,250 for stormwater improvements; and \$1,300,000 for water improvements. Proposals have also been received in response to an RFQ for architectural and engineering services for the planning and design of the project. The selection process will take place in January 2004.

**Total Project Cost:** \$16 million  
**Total CRA participation:** \$16 million

REDEVELOPMENT AGENCY  
COMMISSION ITEM SUMMARY



**Condensed Title:**

A Resolution of the Chairman and Members of the Miami Beach Redevelopment Agency, authorizing the execution of an Interlocal Agreement by and between the City of Miami Beach, the Miami Beach Redevelopment Agency, Miami-Dade County and the Children's Trust, an independent special taxing district for the purpose of establishing the use of tax increment revenues to be derived from the imposition of a not to exceed one-half (½) mill tax levy by the Trust against real property located within the South Pointe and City Center redevelopment areas.

**Issue:**

Should the Redevelopment Agency approve the execution of the Interlocal Agreement?


**Item Summary/Recommendation:**

On October 17, 2003, the Board of County Commissioners enacted Ordinance No. 03-210, whereby any future requests by municipalities and/or community redevelopment agencies relating to community redevelopment plans, including, but not limited to, approval of annual budgets, would require all Community Redevelopment Agencies, in their sole discretion, to exempt the Children's Trust Ad Valorem ½ mill Tax levy from collection into the Redevelopment Trust Fund. Consequently, the City is unable to obtain review of its matters, including the CRA budget, by the Board because it cannot comply with the Ordinance without violating the CRA's pledges to the Bond holders that requires all present and future tax increment revenues from each CRA District to be available for the repayment of debt service on the Bonds relating to such CRA District. Pursuant to the direction of the City's Finance and Citywide Projects Committee, the Administration has met with the Children's Trust, which in turn has resulted in the drafting of the attached Interlocal Agreement. The proposed Agreement not only satisfies the provisions of the bond covenants as required by Counsel, but also provides that in exchange for the City and CRA's cooperation, the Trust will make available funds in the amount of Trust Fund Revenues generated from the CRA districts, for eligible service providers and children's programs within the City of Miami Beach, without limiting the ability to access other Children's Trust programs.

**Advisory Board Recommendation:**

Finance and Citywide Projects Committee, December 22, 2003 – Motion to recommend the Interlocal Agreement for approval to the full City Commission and the Redevelopment Agency Board.


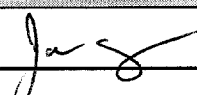
**Financial Information:**

Source of Funds:   Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Christina M. Cuervo/Kent O. Bonde/Anna Parekh

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2004\Jan1404\IRDA\Children's Trust SUM.doc

AGENDA ITEM 3A  
DATE 1-14-04



# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## REDEVELOPMENT AGENCY MEMORANDUM

**To:** Chairman and Members of the Board  
Miami Beach Redevelopment Agency

**Date:** January, 14, 2004

**From:** Jorge M. Gonzalez  
Executive Director

**Subject:** **A RESOLUTION OF THE CHAIRMAN AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), MIAMI-DADE COUNTY, FLORIDA, AND THE CHILDREN'S TRUST, MIAMI-DADE COUNTY, AN INDEPENDENT SPECIAL TAXING DISTRICT, FOR THE PURPOSE OF ESTABLISHING THE USE OF TAX INCREMENT REVENUES TO BE DERIVED FROM THE IMPOSITION OF A NOT TO EXCEED ONE-HALF (1/2) MILL TAX LEVY BY THE TRUST AGAINST REAL PROPERTY LOCATED WITHIN THE SOUTH POINTE REDEVELOPMENT AREA AND THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, RESPECTFULLY. (THE "TRUST REVENUES").**

### ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

### ANALYSIS

On September 10, 2002, the voters of Miami-Dade County voted to amend the Home-Rule Charter to rename the independent special taxing district "The Children's Trust" and to authorize the levy of an additional ad valorem tax not to exceed one-half ( $\frac{1}{2}$ ) mill for the purpose of funding improvements to children's health, development and safety and promoting parental and community responsibility.

On October 17, 2003, the Board of County Commissioners enacted Ordinance No. 03-210, whereby any future requests by municipalities and/or community redevelopment agencies relating to community redevelopment plans, including, but not limited to, approval of annual budgets, would require all Community Redevelopment Agencies, in their sole discretion, to exempt the Children's Trust Ad Valorem  $\frac{1}{2}$  mill Tax levy from collection into the redevelopment trust fund. In the case of the City Center, the amount of the contribution would be \$572,876 and in the case of South Pointe, \$592,809. Additionally, the County was seeking Resolutions from each of the affected municipalities exempting the Trust Fund. On August 4, 2003 at the County Tax Increment Finance (TIF) Committee meeting, the County Attorney stated that there would be no formal request submitted to each Agency for the

exemption from the Trust but that alternatively, the municipalities should exempt the special district in their sole discretion and based upon the Board of County Commissioners anticipated action on September 17, 2003 to adopt the aforementioned ordinance.

On September 16, 2003, the City's Finance and Citywide Projects Committee discussed this issue. Luis Reiter, the City's Bond Counsel, informed the Committee that since existing bond covenants pledge all current and future increment and provide for no specific exclusions or exemptions for special districts, further research would be required to determine if a mechanism could be implemented to grant such exemption. The City Manager recommended initiating discussions with the Children's Trust to dedicate that portion of the Children's Trust revenues generated in the South Pointe and City Center Redevelopment Areas, toward eligible service providers and children programs planned and/or operating within the City's boundaries. The Committee recommended undertaking the necessary research and to pursue negotiations with the County and the Children's Trust.

Subsequent to the discussions between the Children's Trust and the City Administration, the parties have negotiated an Interlocal Agreement between the City of Miami Beach, the Miami Beach Redevelopment Agency, Miami-Dade County and the Children's Trust, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of the not to exceed one-half (½) mill tax levy by the Trust against real property located within the jurisdictions of the City Center and South Pointe CRAs. The proposed Agreement not only satisfies the provisions of the bond covenants as required by Counsel, but also provides that in exchange for the City and CRA's cooperation, the Trust will make available funds in the amount of Trust Fund Revenues generated from the CRA districts, for programs and services for children and families within the City of Miami Beach, without limiting the ability to access other Children's Trust programs. It should be noted that on December 17, 2003, the Board of The Children's Trust approved the Interlocal in substantial form.

On December 22, 2003, the City's Finance and Citywide Projects Committee recommended approval of the Interlocal Agreement to the full City Commission and RDA Board, for consideration at the January 14th Commission meeting and inserted some additional language in Section 3, as follows "The City and/or agency or organization is in no way restricted from participating in, and shall not be prejudiced by, any and all other competitive funding opportunities offered by the Trust".

It should be noted that that the County Attorney's Office is insisting that the County doesn't need to be a party to this Agreement, on account of the fact that it is already party to a separate agreement, wherein the County memorializes its intent to distribute its portion to the Trust. Notwithstanding the County's position, the City and Bond Counsel maintain that the County needs to be a party to the Agreement, to effectively memorialize the parties' intent to make the appropriate distributions to the Trust. The City is concerned that as it is not a party under the separate agreement, any future termination or amendment to same changing the County's distributions to the Trust therein, could affect the City's obligations vis a vis the proposed Interlocal. Additionally, there is a concern, in the absence of the County being a party to the Interlocal, that an affirmative declaration, by way of the County Administration

providing a letter of intent or other administratively executed document, may not have the authority to bind the County Commission. The City has communicated to the County that since they have attested to their intent, they shouldn't be precluded from executing the Interlocal. A response is pending.

### **RECOMMENDATION**

As indicated earlier, any future request by municipalities and/or CRA agencies relating to community redevelopment plans, including but not limited to, approval of annual budgets, would require all agencies, in their sole discretion to exempt the Children's Trust, in the form of a Resolution by the respective agency or municipality. Since the City Center and South Pointe RDA FY 2003/04 budgets are scheduled to be considered for approval before the County Commission on January 20, 2004, it is recommended that the Redevelopment Agency adopt the attached Resolution to execute the Interlocal Agreement as proposed.

JMG:CMC:PDW:KOB:

FILENAME:T:\AGENDA\2004\JAN 14\IRDA\CHILDREN'S TRUST RDA\_MEMO.DOC

Attachments

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MIAMI BEACH REDEVELOPMENT AGENCY, AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), MIAMI-DADE COUNTY, FLORIDA, AND THE CHILDREN'S TRUST, MIAMI-DADE COUNTY, AN INDEPENDENT SPECIAL TAXING DISTRICT, FOR THE PURPOSE OF ESTABLISHING THE USE OF TAX INCREMENT REVENUES TO BE DERIVED FROM THE IMPOSITION OF A NOT TO EXCEED ONE-HALF (1/2) MILL TAX LEVY BY THE TRUST AGAINST REAL PROPERTY LOCATED WITHIN THE SOUTH POINTE REDEVELOPMENT AREA AND THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, RESPECTFULLY (THE "TRUST REVENUES").**

**WHEREAS,** The Children's Trust ("The Trust"), an independent special taxing district, was established as a result of a County-wide referendum in which the electors of the County approved the creation of The Trust and its imposition of a not to exceed one-half (1/2) mill ad valorem tax levy, for the purpose of funding improvements to children's health, development and safety and promoting parental and community responsibility; and

**WHEREAS,** the Board of County Commissioners enacted Ordinance No. 03-210 (the "County Ordinance"), with an effective date of October 17, 2003, whereby any future requests by municipalities and/or community redevelopment agencies relating to community redevelopment plans, including, but not limited to, approval of annual budgets, would require all community redevelopment agencies, in their sole discretion, to exempt The Children's Trust ad valorem 1/2 mill tax levy from collection into the Redevelopment Trust Fund; and

**WHEREAS,** application of the County Ordinance to the RDA would potentially have the impact of depriving the City's respective community redevelopment districts, the South Pointe Redevelopment Area ("South Pointe") and City Center/Historic Convention Village Redevelopment and Revitalization Area ("City Center") from receipt and use of tax increment revenues generated by The Trust's tax levy, as the intent of the Ordinance is that all such revenues generated by the tax levy would be deemed The Trust Revenues; and

**WHEREAS**, the RDA has various series of community redevelopment bonds currently outstanding (the "Bonds"), issued under certain bond resolutions (the "Bond Resolutions"), to which the RDA has pledged all current and future tax increment revenues the RDA is entitled to receive pursuant to Chapter 163, Part III, Florida Statutes (also known as the Community Redevelopment Act of 1969), from all non-exempt taxing authorities, including tax increment revenues from any additional tax levies created subsequent to the issuance of the Bonds, such as The Trust Revenues; and

**WHEREAS**, the RDA is unable to obtain review of its matters, including review of the South Pointe and City Center budgets by the Board of County Commissioners, because it cannot comply with the County Ordinance without violating the RDA's pledges to the holders of the Bonds that require all present and future tax increment revenues from each of the respective redevelopment areas (South Pointe and City Center) to be available for the repayment of debt service on the outstanding Bonds relating to each redevelopment area;

**WHEREAS**, at the September 16, 2003 meeting of the City's Finance and Citywide Projects Committee, the City's bond counsel informed the Committee that an agreement would have to be negotiated which would allow the RDA to comply with the intent of the County Ordinance, while also allowing it to remain in compliance with its obligations under the applicable Bond Resolutions; and

**WHEREAS**, the agreement would provide that the RDA would be permitted to use The Trust Revenues for debt service on the Bonds, but only after all tax increment revenues had been exhausted and, on the last day of the RDA's fiscal year, remit to The Trust, such Trust Revenues that would not be needed for debt service; and

**WHEREAS**, the City's Finance and Citywide Projects Committee further directed the Administration to enter into discussions with The Trust to dedicate that portion of The Trust Revenues generated within South Pointe and City Center toward eligible children programs planned and/or operating within the City of Miami Beach; and

**WHEREAS**, subsequent to discussions between The Trust, Miami-Dade County and the City/RDA Administration, the parties have negotiated the attached Interlocal Agreement (the "Interlocal") between the City of Miami Beach, the Miami Beach Redevelopment Agency, Miami Dade County and The Trust, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of a not to exceed one-half mill tax levy by The Trust against real property located within the South Pointe and City Center redevelopment areas ("The Trust Revenues"); said Interlocal Agreement satisfactorily addresses bond counsel's concerns, but also incorporates the Finance and Citywide Projects Committee's directives with regard to the use of The Trust Revenues collected in South Pointe and City Center toward eligible Children's programs within the City of Miami Beach.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CHAIRMAN AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY**, that the Chairman and Secretary are hereby authorized to execute the attached Interlocal Agreement by and between the City of Miami Beach, Florida, the Miami Beach Redevelopment Agency, Miami-Dade County, Florida, and The Children's Trust, Miami-Dade County, an independent special taxing district, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of a not to exceed one-half (1/2) mill tax levy by The Trust against real property located within the South Pointe Redevelopment Area and the City Center/Historic Convention Village Redevelopment and Revitalization Area, respectfully.

**PASSED AND ADOPTED THIS 14<sup>TH</sup> DAY OF JANUARY, 2004.**

---

**CHAIRMAN**

**ATTEST:**

---

**SECRETARY**

T:\Agenda\2004\Jan14\RDA\Children's Trust Reso.doc  
Attachments

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 12-31-03  
Redevelopment Agency      Date  
General Counsel      *RJA*

**INTERLOCAL AGREEMENT  
AMONG CITY OF MIAMI BEACH,  
MIAMI BEACH REDEVELOPMENT AGENCY,  
MIAMI-DADE COUNTY, FLORIDA  
&  
THE CHILDREN'S TRUST,**

This Interlocal Agreement ("Agreement") is among the City of Miami Beach, Florida, (the "City"), the Miami Beach Redevelopment Agency (the "CRA"), Miami-Dade County, Florida (the "County") and The Children's Trust, Miami-Dade County ("The Trust"), an independent special taxing district, for the purpose of establishing the use of tax increment revenues to be derived from the imposition of a half mill tax levy by The Trust against real property located within the jurisdictions of the CRA ("The Trust Revenues"),

WHEREAS, The Trust was established as a result of a county-wide referendum in which the electors of the County approved the creation of The Trust and its imposition of a not to exceed half mill tax levy against all non-exempt real property in Miami-Dade County for the purpose of funding improvements to children's health, development and safety and promoting parental and community responsibility for children who reside in Miami-Dade County; and

WHEREAS, Chapter 163, Part III, Florida Statutes, also known as the Community Redevelopment Act of 1969 (the "Act"), provides for the creation of community redevelopment agencies and governs the use of moneys in the redevelopment trust funds created in accordance with the Act (each, a "Fund"); and

WHEREAS, the City Commission accepted a delegation of powers from the Miami-Dade County Board of County Commissioners (the "Board"), found a need for and created the CRA to have jurisdiction over all of its community redevelopment districts, declared members of the City Commission to be the members of the Agency, granted the Agency the power to exercise certain powers permitted by the Act to the extent delegated by the Board to the Agency and directed the initiation, preparation and adoption of community redevelopment plans by the Agency for its two community redevelopment districts known as City Center/Historic Convention Village and South Pointe ("CRA Districts"); and

WHEREAS, the CRA has various series of community redevelopment revenue bonds currently outstanding in the aggregate principal amount of \$ (the "Bonds") issued under certain bond resolutions (the "Bond Resolutions") to which the CRA has pledged all current and future tax increment revenues the CRA is entitled to receive pursuant to the Act from all non-exempt taxing authorities including tax increment revenues from any additional tax levies created subsequent to the issuance of the Bonds such as The Trust Revenues; and

WHEREAS, the City has pledged certain City revenues to the holders of the Bonds as additional security for the Bonds; and

WHEREAS, as an independent special taxing district, The Trust is eligible to share in any tax increment revenues not budgeted for a particular use and remaining at the end of the CRA's fiscal year in the Fund established for each CRA community redevelopment district; and

WHEREAS, the Board enacted Ordinance No. 03-210 (the "Ordinance") with an effective date of October 17, 2003 that established a policy that before the Board will consider any matter concerning a community redevelopment agency, including the approval of an annual CRA budget, a governing body such as the City shall first exempt The Trust pursuant to the Act from having to deposit its Trust Revenues with the community redevelopment agency; and

WHEREAS, the City is unable to obtain review of its matters, including the CRA budget, by the Board because it cannot comply with the Ordinance without violating the CRA's pledges to the holders of the Bonds that requires all present and future tax increment revenues from each CRA District to be available for the repayment of debt service on the Bonds relating to such CRA District; and

WHEREAS, the City, the CRA and the County wish to assist The Trust and to effectuate the will of the electorate by agreeing to remit the Trust Revenues to The Trust pursuant to the provisions of this Agreement; and

WHEREAS, approximately ten percent (10%) of the ad valorem tax revenue collected in Miami-Dade County is from residents of the City and;

WHEREAS, The Trust collects approximately \$6 million in ad valorem tax revenues from the residents of the City which is ten percent (10%) of the ad valorem tax revenue it collects and;

WHEREAS, there are children and families who reside in the City and are in need of the services described in The Trust's Strategic Framework 2003-2007 and there are a number of agencies which may provide quality services to these children and families if provided financial assistance; and

WHEREAS, in exchange for the City's and the CRA's cooperation, The Trust will make funds available for children's programs within the City in the amount of The Trust Revenues annually upon the conditions set forth in this Agreement; and

WHEREAS, the City, the CRA, the County and The Trust desire to enter into this Agreement in order to establish their cooperation and agreement with respect to the use of The Trust Revenues,



NOW THEREFORE, the parties agree as follows:

Section 1. The recitals above are incorporated in Section 1 of this Agreement.

Section 2. The City, the CRA and the County agree that the CRA shall: (i) use The Trust Revenues for debt service on, and other obligations relating to, the Bonds under the applicable Bond Resolutions only after all other tax increment revenues under the applicable Bond Resolutions have been exhausted for such purpose; and (ii) remit to The Trust on the last day of the CRA's fiscal year, all of The Trust Revenues that are not needed for debt service on, and other obligations relating to, the Bonds under the applicable Bond Resolutions and are eligible to be refunded pursuant to the Act and the applicable Bond Resolutions.

Section 3. The Trust will make available funds in the amount of Trust Revenues annually for programs and services to children and families within the City, through a competitive process, to the City and/or agencies and organizations that provide said programs and services within the City. However, in order to receive funding, the City and/or agency or organization must provide a program or service that falls within The Trust's funding priorities and quality standards. The City and/or agency or organization is in no way restricted from participating in, and shall not be prejudiced by, any and all other competitive funding opportunities offered by The Trust.

Section 4. This Agreement shall be effective upon execution by all parties and shall continue for as long as The Trust is in existence and can levy ad valorem taxes.

Section 5. This Agreement is made in the State of Florida and shall be governed according to the laws of the State of Florida. Proper venue for this Agreement shall be Miami-Dade County, Florida.

Section 6. Any alterations, variations, modifications, extensions or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly approved and signed by both parties and attached to the original of this Agreement.

Section 7. This Agreement is signed in four (4) counterparts, and each counterpart shall constitute an original of this Agreement.

Section 8. This Agreement contains all the terms and conditions agreed upon by the parties. No other Agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind any of the parties hereto. If any provision of this Agreement is held invalid or void, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective and duly authorized officers as of the day and year first above written.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA

\_\_\_\_\_  
Robert Parcher, City Clerk

\_\_\_\_\_  
David Dermer, Mayor

ATTEST:

MIAMI BEACH REDEVELOPMENT AGENCY

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

ATTEST:

MIAMI-DADE COUNTY, FLORIDA

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Print Name and Title

ATTEST:

THE CHILDREN'S TRUST, MIAMI DADE  
COUNTY

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Print Name and Title

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

*M. A. Sullivan*  
\_\_\_\_\_  
City Attorney

*12-31-03*  
\_\_\_\_\_  
Date

**CITY OF MIAMI BEACH  
REDEVELOPMENT AGENCY ITEM SUMMARY**



**Condensed Title:**

A Resolution ratifying a Guaranteed Maximum Price Contract with RIC-MAN International, Inc. for Design-Build Services to design and construct the Washington Avenue Improvements – Phases 2, 4, and 5 in the amount not-to-exceed \$12,104,429; and appropriating \$2,168,274.08 from the City Center TIF; \$686,211.17 from South Pointe TIF, to be used for Project construction costs, Contingency relating to Owner-Requested Changes, and CIP Office Project Management Fees.

**Issue:**

The City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's significant pedestrian and vehicular thoroughfares. A Master Plan consisting of five phases of improvements was previously developed and partially implemented. Phases 1 (sidewalk, roadway, and drainage improvements, and the planting of coconut trees from 6th to 11th Streets) and 3 (reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers from 6th to 16th Streets) have been completed.

Planning for the remaining phases 2, 4, and 5 have been underway for some time. The scope consists of the following: Phase 2 - curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and the planting of coconut trees from 11th to 16th Streets; Phase 4 - roadway and drainage improvements and new street lighting from 6th to 11th Streets; Phase 5 - curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping from 5th to 6th Streets, and median landscaping from 16<sup>th</sup> Street to Lincoln Road.

The City determined that a design-build approach would be the best method for expediting the completion of these remaining phases of the project. A Design Criteria Package (DCP), required by State Statute in a design / build process, was prepared by the City's ROW Improvements Program Manager, Hazen & Sawyer, and includes conceptual construction drawings and technical specifications. The City has obtained a number of required project permits. The Design Build Firm (DBF) will be responsible for the design, construction, and construction management of phases 2, 4, and 5. In addition, a new median on Lincoln Road, from Washington Avenue to James Avenue, has been identified in the DCP to obtain a price to plan, design, and permit. Once the appropriate permit(s) have been obtained, the City will negotiate a change order to implement the improvements as anticipated at both locations. However, funding for these prospective change orders is not included in this pricing.

Invitation to Bid No. 22-02/03 was issued on April 23, 2003. The City Commission authorized the Administration on October 15, 2003 to initiate negotiations with the DBF of Ric-Man International, Inc. (RMI) since the submitted price by RMI was approximately 26% over the City's available funding to perform the project. The scope of services associated with the base bid provides for the design, permitting, and construction of the referenced improvements.

The Total Award Price is \$12,104,429 consisting of: \$11,800,000 for Base Bid, \$100,000 for Permit Allowance, \$25 for Consideration of Indemnification, \$134,554 for the Storm Water Pump Station at 16<sup>th</sup> Street, and \$69,850 for the Lincoln Road median. In addition \$605,221.45 is appropriated for Project Contingency relating to Owner-Requested Changes and \$419,418.46 for CIP Office Project Management Fees. The Total Estimated Project Cost is \$13,129,068.91. While the contractor was unwilling to reduce the price in negotiations, it was agreed that the contract would be a guaranteed maximum price. This provision has significant value for the project.

**Item Summary/Recommendation:**

The Administration recommends approval of the resolution.

**Advisory Board Recommendation:**

NA

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center;"> </div> Finance Dept.	1	\$2,168,274.08	City Center TIF	
	2	\$686,211.17	South Pointe TIF	
	3			
	4			
	<b>Total</b>	<b>\$2,854,485.25</b>		

**City Clerk's Office Legislative Tracking:**

M. Alexandra Rolandelli

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

AGENDA ITEM 3B

DATE 1-14-04

# Miami Beach Redevelopment Agency

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



Telephone (305) 673-7193  
Facsimile (305) 673-7772

## REDEVELOPMENT AGENCY MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** January 14, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** A RESOLUTION OF THE CHAIRMAN AND THE MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY RATIFYING THE EXECUTION OF A GUARANTEED MAXIMUM PRICE CONTRACT WITH RIC-MAN INTERNATIONAL, INC., AS THE LOWEST AND BEST BIDDER PURSUANT TO INVITATION TO BID NO. 22-02/03, FOR DESIGN BUILD SERVICES TO DESIGN AND CONSTRUCT THE WASHINGTON AVENUE IMPROVEMENTS – PHASES 2, 4, AND 5 (THE PROJECT), IN AN AMOUNT NOT TO EXCEED \$12,104,429; AND APPROPRIATING \$2,168,274.08 FROM CITY CENTER REDEVELOPMENT AREA TAX INCREMENT FUNDS AND \$686,211.17 FROM SOUTH POINTE REDEVELOPMENT AREA TAX INCREMENT FUNDS, TO BE USED FOR THE CONSTRUCTION COSTS, PROJECT CONTINGENCY RELATING TO OWNER REQUESTED CHANGES, AND CIP OFFICE PROJECT MANAGEMENT FEES.

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### FUNDING

The construction contract is valued at \$12,104,429.00. An additional \$605,221.45 is needed for a project contingency, and an additional \$419,418.46 is needed for CIP Office project management fees. The total amount of funding needed for the construction of the project, the project contingency, and the project management fees is \$13,129,068.91.

Following is a breakdown of the funding currently available in the project budget for the above costs, and the funding to be appropriated through this agenda item, to completely fund the project.

<u>Funding Source</u>	<u>Amount Already Appropriated</u>	<u>Amount to be Appropriated</u>	<u>Total Per Funding Source</u>
City Center RDA	\$218,133.80	\$2,168,274.08	\$2,386,407.88
South Pointe RDA	\$629,991.00	\$686,211.17	\$1,316,202.17
Stormwater Bonds—Series 2000	\$4,135,685.49	\$1,141,570.62	\$5,277,256.11
Water & Sewer Bonds—Series 2000	\$1,704,497.91	-	\$1,704,497.91
Fund 301	\$332,031.00	-	\$332,031.00
Resort Tax	\$283,887.40	-	\$283,887.40
Transit Tax	\$1,611,555.00	-	\$1,611,555.00
Water & Sewer Bonds – Series 2000	-	\$37,246.29	\$37,246.29
Interest			
Parking Enterprise Funds	-	\$179,985.15	\$179,985.15
<b>Totals</b>	<b>\$8,915,781.60</b>	<b>\$4,213,287.31</b>	<b>\$13,129,068.91</b>

With regard to the stormwater funding, it is important to note that funds in the amount of \$4,135,685.49 have been appropriated and are available for use from the Stormwater Revenue Bonds – Series 2000. Additional stormwater funds totaling approximately \$2.4 million have been allocated to the West Avenue Neighborhood Right-of-Way Infrastructure Improvement project. This project is currently approximately \$4.5 million short in funding for stormwater improvements, and no stormwater improvements can be constructed until additional funding is found. The Administration recommends reallocating \$1,141,570.62 of the stormwater funding that has been allocated to the West Avenue Neighborhood project to the Washington Avenue project to complete fund the stormwater improvements included in the Washington Avenue project. This will leave the West Avenue project approximately \$5.6 million short in funding for stormwater improvements.

## **ANALYSIS**

The City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's significant pedestrian and vehicular thoroughfares. A Master Plan consisting of five phases of improvements was previously developed and partially implemented. The phases are as follows:

- Phase 1- The area from 6<sup>th</sup> to 11<sup>th</sup> Streets which consisted of sidewalk, roadway and drainage improvements, and the planting of coconut trees. This construction was completed several years ago.
- Phase 2 - The area from 11<sup>th</sup> to 16<sup>th</sup> Streets which includes curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and the planting of coconut trees.
- Phase 3- The area from 6<sup>th</sup> to 16<sup>th</sup> Streets which consisted of the reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers. This work was completed.

- Phase 4 - The area from 6<sup>th</sup> to 11<sup>th</sup> Streets which includes roadway and drainage improvements, and new street lighting.
- Phase 5 - The area from 5<sup>th</sup> to 6<sup>th</sup> Streets which includes curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping.

Planning for the remaining phases 2, 4 and 5 has been underway for some time. The City determined that a design-build approach would be the best method for expediting the completion of these remaining phases of the project. The City's typical process begins with the City hiring an A/E firm to plan and design a project and then a construction firm to build the project. Under the design-build approach, one project consultant team with both design and construction expertise and qualifications prepares construction documents and constructs the project.

A Design Criteria Package (DCP), required by State Statute in a design / build process, for the Project was prepared by the City's ROW Improvements Program Manager, Hazen & Sawyer. The DCP includes conceptual construction drawings and technical specifications for the civil, electrical, and landscaping disciplines. The City has obtained a number of required project permits from the Miami-Dade Department of Health for water main construction, from the Miami-Dade Department of Environmental Resources Management for storm water collection and disposal, and from the State of Florida Department of Transportation for construction within the state right-of-way. Remaining construction design tasks include the revision / incorporation of the City's master Division 1 technical specifications; sanitary sewer gravity collector replacement at 6<sup>th</sup> and 8<sup>th</sup> Street; revision / modifications at the intersection of Washington Avenue and Española Way to incorporate "bump-outs"; landscaping plan revisions to the Washington Avenue median between 5<sup>th</sup> and 6<sup>th</sup> Streets and between 16<sup>th</sup> Street and Lincoln Road; and plan revisions to accommodate the City's construction sequence restrictions.

For the Washington Avenue Improvement Project, the Design Build Firm (DBF) will be responsible for the design, construction and construction management of the above noted improvements for Phases 2, 4 and 5 of the Washington Avenue Master Plan.

Invitation to Bid (ITB) No. 22-02/03 was issued on April 23, 2003. A pre-proposal conference was held on May 8, 2003 to provide information to firms interested in submitting a response. The City received responses to its Invitation to Bid No. 22-02/03 on September 16, 2003. A Selection / Evaluation Committee reviewed the qualifications of the respondents and ranked the three top firms. The City Commission authorized the Administration on October 15, 2003 to initiate negotiations with the DBF of Ric-Man International, Inc. (RMI) since the submitted price by RMI was approximately 26% over the City's available funding to perform the project.

Several meetings were subsequently held between representatives from the City of Miami Beach and RMI to review the scope of work. A summary of meetings held and topics discussed is provided below:

<b>Date</b>	<b>Meeting Topic</b>
October 15, 2003	City Commission Authorization to initiate negotiations
October 20, 2003	Scoping / Negotiation Session
October 27, 2003	Scoping / Negotiation Session
October 30, 2003	Scoping / Negotiation Session
November 4, 2003	Internal City meeting to discuss scope of work
November 6, 2003	Meeting w. City Manager to discuss status
November 10, 2003	Scoping / Negotiation Session
November 12, 2003	Meeting w. M-DDERM to review drainage permit status / requirements
November 18, 2003	Internal City meeting to discuss scope reductions / scope additions
November 19, 2003	Internal City meeting to discuss HPB requirements
November 20, 2003	Internal City meeting to discuss scope of work
December 2, 2003	Scoping / Negotiation Session
December 23, 2003	Scoping / Negotiation Session

In general, the primary focus of the negotiations focused upon the scope of services to be provided by RMI. The base bid of the project generally consists of the design, permitting and construction of the following improvements:

- water main distribution
- sanitary sewer collection
- storm water collection / disposal
- street lighting
- electrical
- curb / gutter
- sidewalk
- asphalt milling / resurfacing of the Washington Avenue corridor from 5<sup>th</sup> Street to 16<sup>th</sup> Street.

The scope of services associated with the base bid provides for the design, permitting and construction of the referenced improvements. The total base bid of the project is \$11,900,025 as presented below:

<b>Item</b>	<b>Amount</b>
RMI Base Bid	\$11,800,000
Permit Allowance	100,000
Consideration for Indemnification	25
<b>Total Base Bid</b>	<b>\$11,900,025</b>

It is important to note that the base bid also includes the necessary effort to plan, design and permit signature landscape improvements within the medians between 5<sup>th</sup> and 6<sup>th</sup> Streets and between 16<sup>th</sup> Street and Lincoln Road, the latter of which was not originally included in the Master Plan for the project. The base bid does not include the cost to construct the proposed improvements. The DBF will obtain an Order from the Historic Preservation Board for the signature median improvements. Once the Order has been obtained, the City will negotiate a change order for the implementation of the signature landscape median improvements with the DBF. Approximately \$125,000 in signature median improvements is anticipated at both locations. Therefore, a change order in the approximate amount of \$250,000 is anticipated at this time if the designed landscape improvements are to be implemented. However, funding for these prospective change orders is not included in this pricing.

An additional appropriation to construct this work will be presented to the City Commission for approval once a final, recommended, solution and price is formalized.

The ITB also requested bidders to provide prices for alternate bid items. The alternate bid items recommended for award are as follows:

**Bid Item 7: Washington Avenue & 16<sup>th</sup> Street storm water pump station planning, design and permitting**

The area along 16<sup>th</sup> Street and Washington Avenue experiences flooding during rainfall events. The base bid for the project does not address storm water collection and disposal facilities north of 16<sup>th</sup> Street. Properties along the Washington Avenue and 16<sup>th</sup> Street corridors are impacted due to storm water runoff ponding. A price was requested from all bidders to evaluate the area in question and provide a design to alleviate the flooding situation in the area of Washington Avenue and 16<sup>th</sup> Street. The price submitted by RMI for alternate bid item was \$134,554, and includes the necessary effort to plan, design and permit the proposed improvements. Once the appropriate permit(s) have been obtained by the RMI, the City can elect to implement the improvements with RMI after a change order has been successfully negotiated.

**Bid Item 8: Lincoln Road median planning, design and permitting**

An alternate bid item to obtain a price to plan, design and permit a median along Lincoln Road from Washington Avenue to Collins Avenue was identified in the DCP. This scope of work was not originally included in the Master Plan. RMI submitted a price of \$69,850 for this work. Once the appropriate permit(s) have been obtained by RMI, the City can elect to



implement the improvements with RMI after a change order has been successfully negotiated.

The Administration recommends awarding the following alternate bid items:

<b>Item</b>	<b>Amount</b>
Total Base Bid	\$11,900,025
Bid Item 7: Washington Avenue & 16 <sup>th</sup> Street storm water pump station planning, design and permitting	134,554
Bid Item 8: Lincoln Road median planning, design and permitting	69,850
<b>Total Award Price</b>	<b>\$12,104,429</b>

#### Future Work Activity Assignment

It has been discussed that future work activities may be assigned to RMI during the implementation of the Project. These activities include underground utility relocation to support future construction of Baylink and additional storm water collection facilities to complement the proposed storm water collections system within the future Bid Package 10A: Flamingo – Lummus South Streetscape and 10B: Lummus Streetscape projects. Sanitary sewer laterals and sanitary sewer collectors between 5<sup>th</sup> and 6<sup>th</sup> Streets and between Española Way and Lincoln Road need to be relocated so that future Baylink construction does not interfere with the existing utilities. The Flamingo - Lummus projects propose to remove existing concrete box culverts and install large diameter storm water conveyance piping throughout the Flamingo – Lummus neighborhood. It is appropriate to address these additional work activities during the implementation of the Washington Avenue Improvements Project so that the future projects are coordinated and disruptions to the community are minimized.

If the City and RMI are able to arrive at mutually agreeable costs to implement these future projects and these costs exceed the available appropriated project contingency, then the Administration will place these items on an appropriate future Commission Meeting agenda for consideration and supplemental appropriation.

#### Agreement Format / Schedule

Although RMI has not agreed to alter its pricing from that submitted in its formal Bid, in recent negotiations, RMI has indicated that it is amenable to enter into a Guaranteed Maximum Price Agreement with the City of Miami Beach. Award of the bid to RMI in the amount of \$12,104,429 will yield an agreement with a qualified contractor for the Washington Avenue Improvements Phases 2, 4 and 5 project with a guaranteed price. Construction of the project will be implemented over a period of eighteen (18) months with an initial construction start date projected to be 150 days from the issuance of a Notice to Proceed from the City. The construction initiation date is also dependent upon the receipt of a Historical Preservation Board Order, State of Florida Department of Environmental

Protection Well Construction permit, Miami-Dade Department of Environmental Resources Management permit and Department of Health water main construction permit. RMI is of the opinion that these permits can be obtained within ninety (90) to one hundred and fifty (150) calendar days from the Notice to Proceed date. Upon receipt of the required permits, construction will be initiated and will be completed within eighteen (18) calendar months.

In considering whether to approve the award of this contract, it should be noted that this price was secured through an open, competitive bid with pricing ranging from Ric-Man International's pricing of \$11,900,025 to upwards of \$21 million with other bidders. Staff believes that given the significant sequencing restrictions and the difficulties that will be encountered in this highly urban corridor, that the Guaranteed Maximum Price contract is a significant benefit to the City. The contract imposes substantial restrictions on the Contractor that are designed to preserve access to businesses during the construction period and to limit, to the extent possible, detrimental impacts to these businesses as well. Additionally, based on the corridor's age, the Contractor's acceptance of responsibility for all unforeseen underground conditions is also a significant benefit, as unforeseen underground conditions is a primary source of project price increases for this construction type. The original bid contemplated the City being responsible for paying for change orders related to unforeseen underground conditions.

Although RMI's bid exceeds the City's estimate by 26%, staff does not believe that there is a likelihood of receiving a significantly better price if bids are rejected and the project is re-bid. Additionally, the time required to re-bid the project is estimated to be a minimum of six months. Combined with the required engineering work that is needed to construct the project and the stated desire by the businesses within the corridor to have the construction project span only one "season", a re-bidding of the project would delay the project by a minimum of 1 year. As the project planning and design began in the early to mid-1990s with a then anticipated construction completion date prior to 2000, our recommendation is to proceed with the project's lowest and best bidder.

#### Recommended Project Team Qualifications And Experience Summary

##### *Ric-Man International, Inc.*

Ric-Man International, Inc. is a general contractor that specializes in roadway and underground construction. They have accumulated approximately 20 years of experience working on various projects in South Florida. Founded in the Pompano Beach area in 1983, Ric-Man International, Inc. employs 90 people. The staff includes experienced graduate engineers and building construction managers with local design-build experience. Each project is staffed with an experienced project manager with a proven history of performance for the company.

##### *PBS&J*

Post, Buckley, Schuh, and Jennigan, Inc. (PBS&J) is Ric-Man's proposed engineered and design sub-consultant. PBS&J is ranked by Engineering News-Record among the nation's five largest design firms and is ranked 15<sup>th</sup> in the transportation category. The company was founded in the Miami area in 1960 and since has established presence throughout Florida. Having 25 Florida offices and encompassing 1,200 qualified professional

personnel, PBS&J brings strong resources that can be utilized to provide a successful design-build project for the City of Miami Beach.

#### Team Personnel (Summary)

*David Mancini:* Mr. Mancini will provide oversight management for the Washington Avenue Project. Mr. Mancini is the President of Ric-Man International, Inc. and has more than 27 years of experience in streetscape and underground utility projects.

*Ronald Bell:* As Project Manager, Mr. Bell will provide day-to-day management of the project. He will also serve as the primary point of contact with the City personnel. Mr. Bell is the Director of Operations for Ric-Man International, Inc. He is a certified General Contractor with more than 30 years of experience and expertise in estimating, scheduling, project supervision, cost analysis, and damage evaluation.

*Remo Lafrate:* Remo Lafrate will serve as the designated underground utility superintendent. Currently, Mr. Lafrate coordinates and supervises construction operations for Ric-Man's sanitary sewer, water mains, storm sewers, and pump stations, among other things. Mr. Lafrate's experience encompasses more than 38 years.

*Patricia Carney, P.E. (PBS&J):* Ms. Carney is the designated design manager. She will provide hands-on direction to the design group for this design-build project. Ms. Carney has more than 13 years experience in the design and management of major water, wastewater, and storm sewer facility projects.

#### Sample Projects

*Hagan Ranch Road Utility and Storm Sewer Installation. (Palm Beach County)* This undertaking was a \$12.8 million dollar roadway construction project involving widening of Hagen Ranch Road from West Atlantic Avenue to Boynton Beach Boulevard to a four lane road. This work also includes replacement and improvement of various utilities such as water mains, force mains, and storm sewers.

*CCNIP Washington Park Bid Package No. 5 Watermain Replacement and Stormwater Sewer. (Broward County)* This project was an \$8.9 million dollar neighborhood improvement project consisting of replacement of all existing water main, storm drainage, and roadway infrastructure. Additionally, the project included beautification of right-of-way areas such as sidewalk, curb and gutter, and landscaping.

*NIP North Andrews Gardens Storm Drainage, Water, Sewer, Paving Improvements. (Broward County)* This project was a \$5.8 million dollar neighborhood improvement consisting of replacement of all existing water mains, sanitary sewers, storm drains, swales, roadways, and sidewalks. This work was completed throughout a residential area, which required Ric-Man to maintain access to homes and streets at all times.

### References

Additionally, the Procurement staff secured the following references for Ric-Man International, Inc.

*City of Deerfield Beach*

"Outstanding attention to quality"

Larry R. Deetjan, City Manager

*Broward County Office of Environmental Services*

"Very good public relations skills, the residents like them"

Pat MacGregor, Project Manager

*Palm Beach County BOCC*

"Very good! Job went very well"

Joe Tenecredi, Project Manager

*Arcadia Reese Macon & Associates, Inc.*

"Excellent performance and resources available to get the job done right"

Thomas C. Jensen, Project Manager

### CONCLUSION:

The Administration recommends that the Chairman and the Members of the Miami Beach redevelopment Agency ratify an Agreement with Ric-Man International, Inc. lowest and best Bidder; pursuant to Invitation to Bid (ITB) No. 22-02/03, for Design/Build Services for Washington Avenue Improvements Phases 2, 4, and 5 and appropriate \$2,168,274.08 from the City Center Area TIF and \$686,211.17 from the South Pointe Area TIF, for the construction costs, Project contingency relating to Owner Requested Changes and CIP Office Project Management Fees.

JMG:CMC:PDW:RCM:TH

T:\AGENDA\2004\Jan1404\Regular\Washington Avenue\Washington Avenue RDA Memo.doc

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CHAIRMAN AND THE MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY RATIFYING THE EXECUTION OF A GUARANTEED MAXIMUM PRICE CONTRACT WITH RIC-MAN INTERNATIONAL, INC., AS THE LOWEST AND BEST BIDDER PURSUANT TO INVITATION TO BID NO. 22-02/03, FOR DESIGN BUILD SERVICES TO DESIGN AND CONSTRUCT THE WASHINGTON AVENUE IMPROVEMENTS – PHASES 2, 4, AND 5 (THE PROJECT), IN AN AMOUNT NOT TO EXCEED \$12,104,429; AND APPROPRIATING \$2,168,274.08 FROM CITY CENTER REDEVELOPMENT AREA TAX INCREMENT FUNDS AND \$686,211.17 FROM SOUTH POINTE REDEVELOPMENT AREA TAX INCREMENT FUNDS, TO BE USED FOR THE CONSTRUCTION COSTS, PROJECT CONTINGENCY RELATING TO OWNER REQUESTED CHANGES, AND CIP OFFICE PROJECT MANAGEMENT FEES.**

**WHEREAS**, the City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's significant pedestrian and vehicular thoroughfares; and

**WHEREAS**, a Master Plan consisting of five phases of improvements was previously developed and partially implemented; and

**WHEREAS**, Phases 1 (sidewalk, roadway, and drainage improvements, and the planting of coconut trees from 6th to 11th Streets) and 3 (reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers from 6th to 16th Streets) have been completed; and

**WHEREAS**, planning for the remaining Phases 2, 4, and 5 have been underway for some time; and

**WHEREAS**, the scope consists of the following: Phase 2 - curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and the planting of coconut trees from 11th to 16th Streets; Phase 4 - roadway and drainage improvements and new street lighting from 6th to 11th Streets; and Phase 5 - curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping from 5th to 6th Streets, and median landscaping from 16th Street to Lincoln Road; and

**WHEREAS**, the City determined that a design-build approach (one project consultant team with both design and construction expertise and qualifications prepares construction documents and constructs the project) would be the best method for expediting the completion of these remaining phases of the Project; and

**WHEREAS**, a Design Criteria Package (DCP), required by State Statute in a design / build process, for the Project was prepared by the City's right-of-way Improvements Program Manager, Hazen & Sawyer, and includes conceptual construction drawings and technical specifications for the civil, electrical, and landscaping disciplines; and

**WHEREAS**, the City has obtained a number of required project permits from the Miami-Dade Department of Health for water main construction; the Miami-Dade Department of Environmental Resources Management for storm water collection and disposal; and the State of Florida Department of Transportation for construction within the State right-of-way; and

**WHEREAS**, remaining construction design tasks include the revision / incorporation of the City's master Division 1 technical specifications; sanitary sewer gravity collector replacement at 6th and 8th Street; revision / modifications at the intersection of Washington Avenue and Española Way to incorporate "bump-outs"; landscaping plan revisions to the Washington Avenue median between 5th and 6th Streets and between 16th Street and Lincoln Road; and plan revisions to accommodate the City's construction sequence restrictions; and

**WHEREAS**, for the Washington Avenue Improvement Project, the Design Build Firm (DBF) will be responsible for the design, construction and construction management of Phases 2, 4, and 5; and

**WHEREAS**, Invitation to Bid No. 22-02/03 (the Bid) was issued on April 23, 2003, and a pre-proposal conference was held on May 8, 2003 to provide information to firms submitting a response; and

**WHEREAS**, the City received responses to the Bid on September 16, 2003, and a Selection / Evaluation Committee reviewed the qualifications of the respondents and ranked the three top firms; and

**WHEREAS**, the City Commission authorized the Administration, on October 15, 2003, to initiate negotiations with the DBF of Ric-Man International, Inc. (RMI) since the submitted price by RMI was approximately 26% over the City's available funding to perform the Project; and

**WHEREAS**, several meetings were subsequently held between representatives from the City and RMI to review the scope of work and of services to be provided; and

**WHEREAS**, the base bid of the Project generally consists of the design, permitting and construction of the following improvements: water main distribution; sanitary sewer collection; storm water collection / disposal; street lighting; electrical, curb / gutter; sidewalk; and asphalt milling / resurfacing of the Washington Avenue corridor, from 5<sup>th</sup> Street to 16<sup>th</sup> Street; and

**WHEREAS**, the total base bid of the Project is \$11,900,025, consisting of \$11,800,000 for Base Bid; \$100,000 for Permit Allowance; and \$25 as consideration of Indemnification; and

**WHEREAS**, the Bid also requested bidders to provide prices for Alternate Bid Items; and

**WHEREAS**, the Administration recommends awarding the alternate bid items #7: Washington Avenue & 16<sup>th</sup> Street storm water pump station planning, design and permitting, in the amount of \$134,554, to resolve the flooding experienced in the area during rainfall events, and #8: Lincoln Road median, from Washington Avenue to Collins Avenue, for the planning, design and permitting in the amount of \$69,850; and

**WHEREAS**, award of the Bid to RMI, in the amount of \$12,104,429, will yield an agreement with a qualified contractor for the Project with a guaranteed maximum price; and

**WHEREAS**, the Total Award Price is \$12,104,429, consisting of: \$11,900,025 for Total Base Bid, \$134,554 for the Storm Water Pump Station at 16th Street; and \$69,850 for the Lincoln Road median; and

**WHEREAS**, in addition, \$605,221.45 is requested to be appropriated for Project Contingency relating to Owner-Requested Changes, and \$419,418.46 for CIP Office Project Management Fees; and

**WHEREAS**, construction of the Project will be implemented over a period of eighteen (18) months, with an initial construction start date projected to be 150 days from the issuance of a Notice to Proceed from the City; and

**WHEREAS**, the contract imposes substantial restriction on the Contractor that are designed to preserve access to businesses during the construction period and to limit to the extent possible detrimental impacts to proximate businesses as well; and

**WHEREAS**, although RMI's bid exceeds the City's estimate by 26%, staff does not believe that there is a likelihood of receiving a significantly better price if bids are rejected and the Project is re-bid; and

**WHEREAS**, the time required to re-bid the Project is estimated to be a minimum of six months; combined with the required engineering work that is needed to construct the Project and the stated desire by the businesses within the corridor to have the construction project span only one "season", a re-bidding of the Project would delay the Project by a minimum of 1 year; and

**WHEREAS**, as the Project planning and design began in the early to mid- nineties, with a then anticipated construction completion date prior to 2000, the Administration's recommendation is to proceed with the Project's lowest and best bidder, Ric-Man International, Inc.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CHAIRMAN AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY**, that the Chairman and Members of the Miami Beach Redevelopment Agency herein ratify the execution of a Guaranteed Maximum Price Contract with RIC-MAN International, Inc., as lowest and best bidder pursuant to Invitation to Bid No. 22-02/03, for Design-Build Services to design and construct the Washington Avenue Improvements – Phases 2, 4 and 5 (the Project), in the amount not-to-exceed \$12,104,429; and appropriate \$2,168,274.08 from the City Center Redevelopment Area Tax Increment Fund and \$686,211.17 from South Pointe Redevelopment Area Tax Increment Fund, to be used for Project construction costs, Contingency relating to Owner-Requested Changes, and CIP Office Project Management Fees.

**PASSED** and **ADOPTED** this 14<sup>th</sup> day of January, 2004.

ATTEST:

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIRMAN

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
Redevelopment Agency  
General Counsel

1-9-04  
\_\_\_\_\_  
Date 



**THIS PAGE INTENTIONALLY LEFT BLANK**

# REDEVELOPMENT AGENCY COMMISSION ITEM SUMMARY



## Condensed Title:

Ratify Award of the contract to Widell Inc. for re-procurement of Water and Waste Water Pump Stations Upgrades in the Amount of \$17,352,615; ratify additional services to CDM for related Construction Administration services; and appropriating funds in the amount of \$1,218,956.71 as follows, to fully fund the construction cost, additional services for construction administration and field oversight services to CDM, project contingency and project management fees: \$1,203,063.00 from City Center Redevelopment Area Tax Increment Funds, and \$15,893.71 from South Pointe Redevelopment Area Tax Increment Funds.

## Issue:

Should the Redevelopment Agency Ratify Award of the Contract to Widell, Inc. and Additional Services to CDM, and appropriate the requisite funds?

## Item Summary/Recommendation:

On February 1999, Resolution 99-23061 awarded a \$17,692,568.00 contract to Felix Equities, Inc. (FEI) pursuant to Invitation to Bid No. 99-97/98 for the Water and Waste Water Pump Station Upgrades. On June 18, 2002, the Administration certified FEI in Default. On July 10, 2002, the Mayor and City Commission adopted Resolution 2002-24924, which declared an emergency situation and waived the formal competitive bidding requirements for the project. Linc Net, the parent company of FEI, filed for bankruptcy and an automatic stay was placed on the FEI contract. This action precluded the City from implementing any action regarding FEI and FEI's contract without Bankruptcy Court approval. At approximately the same time, FEI and its surety company, United States Fidelity and Guaranty Company (USF&G), requested a meeting with the City to discuss potential settlement options. These initial discussions did not produce a settlement that met the interests of all parties. Therefore, the City invoked the Performance Bond on the project provided by USF&G in August 2002. USF&G declined to honor its Performance Bond based on the bankruptcy of FEI. Subsequent demands and settlement discussions continued throughout the balance of 2002 and into 2003. To date, the City Administration and City Attorney have been unable to negotiate an acceptable settlement and many of these issues have become a source of current litigation. Due to the continued deterioration of the pump stations, the City Administration decided in late 2002 that it was not in the City's interest to continue to wait for the conclusion of the FEI/Surety issues noted above before continuing the project. Therefore, the Administration decided to complete the previously approved informal bid process to secure a replacement contractor. The CIP Office, together with the Procurement Department, conducted a selective re-bid for the project in 2003 with a deadline of June 10, 2003, to receive bid proposals for the re-procurement. Widell, Inc. was the only respondent deemed qualified and responsive and presented an initial bid proposal in the amount of \$20,970,000, which was later negotiated, with the assistance of Camp Dresser and McKee, the City's consultant on the project, and which resulted in a final bid proposal in the amount of \$17,352,615. The work includes the completion of a major renovation to twelve (12) dry pit waste water pump stations, four (4) water pump stations, six (6) electrical/generator Buildings, a new system-wide process instrumentation and control system, and the replacement of eleven (11) submersible waste water pump stations. At this time the conditions of some of the Pump Stations are in emergency status; the equipment installations that FEI was providing was never completed and the Pump Stations are still working with extremely outdated and damaged equipment installed almost 30 years ago.

## Advisory Board Recommendation:

N/A

## Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$1,203,063.00	City Center RDA TIF	
	2	\$15,893.71	South Pointe RDA TIF	
Finance Dept.	Total	\$1,218,956.71		

## City Clerk's Office Legislative Tracking:

JECh

## Sign-Offs:

Department Director	Assistant City Manager	City Manager

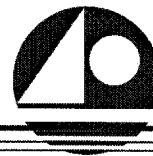
T:\AGENDA\2004\Jan1404\Regular\Pump Stations Upgrades RDA cover.doc

AGENDA ITEM 3C

DATE 1-14-04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## REDEVELOPMENT AGENCY MEMORANDUM

**To:** Chairman and Members of the Board  
Miami Beach Redevelopment Agency

**Date:** January, 14, 2004

**From:** Jorge M. Gonzalez  
Executive Director

**Subject:** Water and Waste Water Pump Stations Upgrades Project.

**A RESOLUTION OF THE CHAIRMAN AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY RATIFYING THE AWARD OF A CONTRACT TO THE FIRM OF WIDELL, INC., IN THE AMOUNT OF \$17,352,615, FOR COMPLETION OF THE WATER AND WASTE WATER PUMP STATION UPGRADES PROJECT (BID NO. 99-97/98), PURSUANT TO THE ACTION(S) DELEGATED TO THE CITY MANAGER AND/OR HIS DESIGNEE PURSUANT TO RESOLUTION NO. 2002-24924; AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$1,218,956.71, AS FOLLOWS, TO FULLY FUND THE PROJECT CONSTRUCTION COST; ADDITIONAL SERVICES FOR CONSTRUCTION ADMINISTRATION AND FIELD OVERSIGHT SERVICES TO CAMP, DRESSER & MCKEE (CDM); PROJECT CONTINGENCY; AND PROJECT MANAGEMENT FEES: \$1,203,063.00 FROM CITY CENTER REDEVELOPMENT AREA TAX INCREMENT FUNDS, AND \$15,893.71 FROM SOUTH POINTE REDEVELOPMENT AREA TAX INCREMENT FUNDS.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolutions.

### FUNDING

Funding has been appropriated and is available from the existing Standing Order for Felix Equities, Inc. (FEI), in the amount of \$11,107,245.95. Additional funds from Water & Sewer Bond – Series I (Fund 426) allocated to the Water and Wastewater Pump Station Upgrades Project in the amount of \$2,552,647.88 have also previously been appropriated and are available for use on the project.

Funding in the amount of \$4,862,562.00 has been appropriated for use on the South Pointe Wastewater Master Booster Pump Station project, which is in the design phase. With the approval of this item, this funding will be reallocated to the Water and Wastewater Pump Station Upgrades Project. The South Pointe Wastewater Master Booster Pump Station project will be funded by South Pointe Redevelopment Agency (RDA) Tax Increment Funds (TIF).

Additional funding in the amounts of \$1,203,063.00 and \$15,893.71 are available from the City Center and South Pointe RDA TIF and are being appropriated through the adoption of this resolution.

The sum of these amounts, \$19,741,412.54, will fully fund the Construction contract with Widell (\$17,352,615.00), Additional Services for Construction Administration and Field Observation for CDM (not to exceed \$500,000.00), additional CIP Office project management fees (\$158,455.11), and a project contingency (\$1,730,342.43).

## **ANALYSIS**

On February 1999, Resolution 99-23061 awarded a \$17,692,568.00 contract to Felix Equities, Inc. (FEI) pursuant to Bid No.99-97/98 for the Water and Waste Water Pump Station Upgrades in the City of Miami Beach.

Since the commencement of construction, several delays related to coordination of unforeseen conditions, omissions and deletions occurred.

On May 21, 2001, the Contractor (FEI) submitted a Request for Equitable Adjustment (REA) to the City's consulting engineer Camp Dresser & McKee, Inc. (CDM) for approximately \$1.7 million, representing increased costs the Contractor attributed to delays associated with the issues referenced above. Repeated City requests for FEI to submit specific documentation to support the REA were not provided in sufficient detail to allow a thorough analysis by CDM or City staff. Without this information, the City could not evaluate the Contractor's REA.

On November 28, 2001, as a result of staff concerns, a Letter to Commission (LTC) was provided to the City Commission advising that the conditions described above had contributed to time delays and additional costs.

The City's Project team actively addressed alternatives to encourage FEI to proceed with construction without further delays, including discussions to set out a plan to resolve outstanding claims issues, and to persuade FEI to immediately bring the major subcontractors back to work, produce a realistic recovery schedule to advance the project's critical path, and to provide sufficient skilled labor and equipment to prosecute the work in a timely manner. The City Administration, as a measure of good faith, did offer additional time and money to resolve the outstanding REA for those areas that it felt could be supported by the information it had. Unfortunately, these discussions did not yield positive results.

For several months FEI continued to fall seriously behind schedule and did not appear to have a plan of action to correct the situation. The ever-dwindling level of manpower assigned to the project mirrored the lack of progress. Several of FEI's subcontractors on the project notified the City of FEI's failure to pay them and that they had therefore stopped work and/or refused to provide FEI with release of lien letters.

In this phase of the contract the critical path ran through the electrical and mechanical subcontractors. The electrical subcontractor for several months severely reduced the number of their employees on site to well below what was needed to make effective progress. The mechanical contractor apparently left the project entirely. Both the electrical and mechanical subcontractors indicated that their lack of responsiveness on the project was due to non-payment by FEI. Because of the lack of progress of the two major subcontractors the critical path did not advance for nearly four months. At that manpower level, extensive additional delays were anticipated which contributed to inexcusable delays in the contract time. The lack of adequate manpower to advance the project resulted in the effective abandonment of the project by FEI.

FEI did, however, file a second Request for Equitable Adjustment in the amount of \$1.4 million in May 2002. The second REA brought the total REA claim by FEI to \$3.1 million. Similar to the first REA, this second REA did not include sufficient detail to support the Contractor's request for additional dollars.

As FEI continued in its failure to properly staff the job, the City Administration, on June 7, 2002, sent Felix Equities a Notice of Default due to the lack of progress in the project and provided FEI 10 days to correct the lack of progress issues. Upon FEI's failure to properly remedy its lack of progress, the City Administration certified FEI in default on June 18, 2002. Subsequently, on July 10, 2002, and pursuant to Article 8.8 of the City's contract with FEI, the Administration recommended that the City Commission remove the prosecution of work from the hands of FEI and authorize the City Manager, or designee, to prosecute the remainder of the work. Pursuant to Article 8.8, any remaining funds in the contract would be returned to the contractor, or if the remaining funds are insufficient, the contractor, after completion of the work, would be required to pay the City the cost overrun. This action was consistent with the contract requirements. The City Commission approved this request on that date through Resolution 2002-24924.

Resolution 2002-24924 declared an emergency situation and waived formal competitive bidding requirements for the project, providing the City Manager the necessary tools to procure a new Contractor which could successfully complete the project. Although, for the above reasons, the Administration recommended a waiver of competitive bid requirements, the Administration did follow a modified bid process in choosing a replacement contractor. The City requested proposals from three replacement contractors, some who had done business with the City previously and some who were recommended by the designer as providing superior work on previous projects. The emphasis on the selection of a replacement contractor was on qualifications. The City wanted to contract with a contractor who specializes in this type of work and one that could demonstrate a track record of success. It was also preferable to have a contractor that has stepped in and completed contracts as a replacement contractor in the past.

On July 9, 2002, the day before the City Commission action noted above, Linc Net, the parent company of FEI, filed for bankruptcy and an automatic stay was placed on the FEI contract. This action precluded the City from implementing any action regarding FEI and FEI's contract without Bankruptcy Court approval. At approximately the same time, FEI and its surety company, United States Fidelity and Guaranty Company (USF&G),

requested a meeting with the City to discuss potential settlement options. These initial discussions did not produce a settlement that met the interests of all parties. Therefore, the City invoked the Performance Bond on the project provided by USF&G in August 2002. USF&G declined to honor its Performance Bond based on the bankruptcy of FEI. Subsequent demands and settlement discussions continued throughout the balance of 2002 and into 2003.

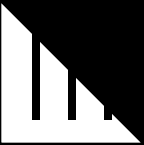
To date, the City Administration and City Attorney have been unable to negotiate an acceptable settlement and many of these issues have become a source of current litigation. As a side note, and due to one of the issues raised by FEI and USF&G, the Commission Resolution accompanying this Commission Memo requests that the City Commission re-affirm that the City Manager and/or designee had authority to act regarding all provisions of the City's contracts with both entities, including default actions, invoking of performance bonds, and any similar or related actions.

Due to the continued deterioration of the pump stations, the City Administration decided in late 2002 that it was not in the City's interest to continue to wait for the conclusion of the FEI/Surety issues noted above before continuing the project. Therefore, the Administration decided to complete the previously approved informal bid process to secure a replacement contractor.

On June 10<sup>th</sup>, 2003, the deadline for bids pursuant to Invitation to Bid No. 10-02/03, were received at the Procurement Department. Only one contractor, who was deemed qualified and responsive, submitted an initial bid proposal and the City decided to proceed with negotiations. The initial bid by Widell, Inc. was in the amount of \$20,970,000.

The City entered into long and very detailed negotiations with Widell. CIP staff and CDM as well as personnel from Widell evaluated every item in the bid proposal, reviewed carefully the established scope, and reviewed the documents submitted for bid, etc., and in the end agreed upon a final cost to complete the project of \$17,352,615. Work will include furnishing and installing all necessary materials, equipment, supplies and associated work including labor, excavation, etc. to complete the major renovation of twelve (12) dry pit waste water pump stations, four (4) water pump stations, six (6) electrical/generator buildings, a new system-wide process instrumentation and control system, and the replacement of eleven (11) submersible waste water pump stations.

The City and CDM feel that Widell's price is reasonable at this time. Not only has the price gone up since 1999 when the project was originally bid, due to time and escalation, but also that original price from FEI has now been determined to be, by the Program Manager and the City, most probably lower than what it should have been at that time. The original Engineer's estimate of probable cost was \$20,992,900, but after discussions with FEI and evaluation of FEI's qualifications and references, they assured the City and CDM that their price was accurate and that they could perform the work for the amount quoted. Based on FEI's ultimate financial disposition, this assertion by FEI appears to have been proven wrong.



There will also be additional services for CDM to complete the Construction Administration and Field Oversight, in an estimated amount of \$500,000. The proposal the City received from CDM is higher than this amount, but the City and CDM have not yet begun negotiations regarding the scope and amount of the fee. If the City cannot negotiate a fee of \$500,000 or less, an item may be brought to the Commission at a later date for additional funds. By amending the contract amount now, continuity of services is guaranteed so construction can begin without having fully negotiated the final amount.

Similarly, the City must provide a new contingency on the project, in the amount of \$1,730,342.43. Finally, there will be additional project management fees for the CIP Office in the amount of \$158,455.11. A total of \$19,741,412.54 is needed to complete the project.

Item	Amount
Widel Negotiated Bid Amount	\$17,352,615.00
Contingency for Project	1,730,342.43
Construction Administration and Field Oversight	500,000.00
CIP Office Management Fees	158,455.11
<b>Total Project Costs</b>	<b>\$19,741,412.54</b>

The original contract value with FEI was \$17,692,568.00. Payments were made to FEI for the work performed prior to the abandonment of the project. The City had to maintain the project site and materials once FEI was removed from the project until a new contractor could assume responsibility for the site and materials. A balance of \$11,107,245.95 remains from the original FEI contract value for use to procure a new contractor.

Additional funds from Water & Sewer Bond - Series I (Fund 426) allocated to the Water and Wastewater Pump Station Upgrades Project in the amount of \$2,552,647.88 have also previously been appropriated and are available for use on the project.

Funding in the amount of \$4,862,562.00 from the Water & Sewer Bond – Series I (Fund 426) has been appropriated for use on the South Pointe Wastewater Master Booster Pump Station project, which is in the design phase. With the adoption of this item, this funding will be reallocated to the Water and Wastewater Pump Station Upgrades Project. The South Pointe Wastewater Master Booster Pump Station project will be funded by South Pointe Redevelopment Agency (RDA) Tax Increment Funds (TIF).

Additional funding in the amounts of \$1,173,063.00 and \$15,393.71 are available from the City Center and South Pointe RDA TIF and are being appropriated through the adoption of this resolution. The following table demonstrates the funds being recommended for use to fully fund this project.

<b>Funding Source</b>	<b>Amount</b>
Balance from FEI Contract	\$11,107,245.95
Water & Sewer Bond – Series I (Fund 426)	2,552,647.88
Water & Sewer Bond – Series I (Fund 426) (from South Pointe Wastewater Master Booster Pump Station)	4,862,562.00
City Center RDA TIF	1,203,063.00
South Pointe RDA TIF	15,893.71
<b>Total Funding</b>	<b>\$19,741,412.54</b>

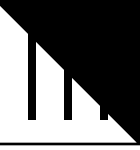
### **CONCLUSION**

At this time the conditions of some of the Pump Stations are in emergency status; the equipment installations that FEI was providing was never completed and the Pump Stations are still working with extremely outdated and damaged equipment installed almost 30 years ago. The City is required to act at once and proceed with the upgrades to provide the citizens with a system comparable with the progress of the City of Miami Beach.

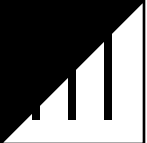
Therefore, the Administration recommends ratification of the Widell, Inc. final negotiated bid proposal, in the amount of \$17,352,615; the award of a construction contract to Widell, Inc. for the Water and Waste Water Pump Stations Upgrade project; awarding additional services to CDM in an amount not to exceed \$500,000 for Construction Administration and Field Oversight services, and the requisite appropriation of funds to fully fund the project.

T:\AGENDA\2004\Jan1404\Regular\Pump Stations Upgrades RDA Memo.doc





## **RESOLUTION TO BE SUBMITTED**



**THIS PAGE INTENTIONALLY LEFT BLANK**